

**CERTIFIED
COPY**

BEFORE THE
CALIFORNIA WASTE MANAGEMENT BOARD
FOR THE STATE OF CALIFORNIA

IN THE MATTER OF THE:)
REGULAR MONTHLY BOARD MEETING)
JANUARY 27, 1989)
-----)

DATE AND TIME: FRIDAY, JANUARY 27, 1989, 9:00 A.M.

PLACE: BOARD HEARING ROOM
1020 NINTH STREET
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, CSR
CERTIFICATE NO. 7152

*Barristers'
reporting service*

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
TELEPHONE (714) 953-4447

CERTIFIED
COPY

11/11/11

APPEARANCES

MR. JOHN E. GALLAGHER, CHAIRMAN
MR. JOHN C. MOSCONE
MR. SAM ARAKALIAN
MR. PHILLIP BEAUTROW
MRS. GINGER BREMBERG
MR. E. L. VARNER (NOT PRESENT)
MR. LES BROWN
MR. JAMES W. CALLOWAY (NOT PRESENT)

STAFF PRESENT

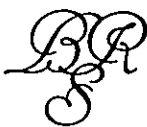
MR. GEORGE T. EOWAN, CHIEF EXECUTIVE OFFICER
MR. HERBERT IWAHIRO, CHIEF DEPUTY EXECUTIVE OFFICER
MR. ALAN OLDALL, DEPUTY EXECUTIVE OFFICER
MS. JOELLEN JACKSON, DIRECTOR OF LEGISLATION
AND PUBLIC AFFAIRS
MR. ROBERT F. CONHEIM, GENERAL COUNSEL

MR. CY ARMSTRONG
MS. PORTER
MR. JOHN SMITH
MR. DON DIER
MR. JOHN SMITH
MR. HERB BURTON
MR. DAVE VOLDEN
MR. CHRIS PECK

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

ITEM 11-16: CONSIDERATION OF DETERMINATION OF CONFORMANCE AND CONCURRENCE IN ISSUANCE OF A SOLID WASTE FACILITIES PERMITS IN TRINITY COUNTY FOR: BIG BAR TRANSFER STATION, HYAMPOM TRANSFER STATION, BURNT RANCH TRANSFER STATION, HOBEL TRANSFER STATION, VAN DUZEN TRANSFER STATION, AND THE JUNCTION CITY TRANSFER STATION.

MR. IWAHIRO	37
MR. DIER	37, 43
MR. SMITH	38
MS. HAWKINS	44
MR. MILLER	46

QUESTIONS AND COMMENTS:

MS. BREMBERG	42, 46, 59, 66
MR. CONHEIM	53, 60, 62, 65
MR. BROWN	54
MR. ARAKALIAN	64, 68
CHAIRMAN GALLAGHER	56, 61, 68
MR. MOSCONE	61

BOARD ACTION	73
--------------	----

MR. LYNN, UNITED WAY	74
----------------------	----

ITEM 21: PRESENTATION AND CONSIDERATION OF DRAFT GUIDELINES FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION DAYS.

MR. OLDALL	76
MR. BURTON	77

QUESTIONS AND COMMENTS:

MR. MOSCONE	80, 82
MS. BREMBERG	81, 87, 89
MR. ARAKALIAN	85, 90
CHAIRMAN GALLAGHER	90

BOARD ACTION	87
--------------	----

ITEM 1 (CONT'D.): DISCUSSION OF DRAFT REGULATIONS.

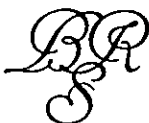
MR. ORR	92
MR. VOLDEN	94

QUESTIONS AND COMMENTS:

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997



Barristers'
reporting service

CHAIRMAN GALLAGHER
MR. MOSCONE

98
101

ITEM 22: STATUS REPORT ON SUBMITTAL OF OPERATOR
CERTIFICATIONS ON CLOSURE/POSTCLOSURE COST ESTIMATES AND
ESTABLISHMENT OF FINANCIAL MECHANISMS AS REQUIRED BY AB
2448.

MR. IWAHIRO	104, 107
MR. EOWAN	105, 121
MR. ORR	108, 125
MR. CONHEIM	123

QUESTIONS AND COMMENTS:

CHAIRMAN GALLAGHER	106, 118, 122, 126
	130, 134
MR. MOSCONE	114, 138

ITEM 23: UPDATE AND CONSIDERATION OF
LEGISLATION.

MS. JACKSON	139
-------------	-----

ITEM 24: UPDATE ON SIGNIFICANT STAFF
ACTIVITIES.

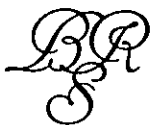
MR. IWAHIRO	141
MR. OLDALL	142
MS. JACKSON	146
MR. PECK	146

ITEM 25: REVIEW OF FUTURE BOARD AGENDA ITEMS.

MR. OLDALL	153
------------	-----

ADJOURNMENT	154
-------------	-----

REPORTER'S CERTIFICATE	155
------------------------	-----



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

Barristers'
reporting service

I N D E X

	<u>PAGE</u>	<u>NO.</u>
CALL TO ORDER		4
ITEM NO. 3: CONSIDERATION OF APPROVAL OF THE SUTTER-YUBA COUNTY SOLID WASTE MANAGEMENT PLAN REVISION.		
MR. IWAHIRO		4
MR. ARMSTRONG		4
MR. MARTIN		13
QUESTION AND COMMENTS:		
MR. BEAUTROW		10, 23
MR. BROWN		11, 20
MR. MOSCONE		12
MS. BREMBERG		13, 21
BOARD ACTION		25
ITEM NO. 10: CONSIDERATION OF DETERMINATION OF CONFORMANCE AND CONCURRENCE IN A SOLID WASTE FACILITIES PERMIT FOR GILTON RESOURCE RECOVERY/TRANSFER FACILITY, STANISLAUS COUNTY.		
MR. IWAHIRO		25
MS. PORTER		25, 28
MR. ARMSTRONG		27
MR. SCHULER		29
MR. JOHNSON		36
QUESTIONS AND COMMENTS:		
MS. BREMBERG		31
MR. BEAUTROW		33
MS. MOSCONE		34
BOARD ACTION		37



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Harristers'
reporting service

JANUARY 27, 1989

CALIFORNIA WASTE MANAGEMENT BOARD

CHAIRMAN GALLAGHER: BRING THE MEETING OF THE CALIFORNIA WASTE MANAGEMENT BOARD TO ORDER, PLEASE. GOOD MORNING.

MR. EOWAN: GOOD MORNING, MR. CHAIRMAN.

CHAIRMAN GALLAGHER: WE ARE READY TO PROCEED WITH ITEM NO. 3 ON THE AGENDA.

MR. OLDALL: YES, MR. CHAIRMAN. THIS IS THE CONSIDERATION OF APPROVAL OF THE YUBA-SUTTER BICOUNTY SOLID WASTE MANAGEMENT PLAN REVISION. I WOULD POINT OUT TO THE BOARD THAT OF ALL THE COUNTIES IN CALIFORNIA, WE HAVE 58 COUNTIES; WE HAVE 57 COSWMPS. THIS IS THE ONLY ONE WHERE THERE IS A UNIFIED COSWMP BETWEEN TWO COUNTIES, YUBA AND SUTTER. I THINK JOHN SMITH AND CY ARMSTRONG WILL PRESENT THE ITEM.

MR. ARMSTRONG: GOOD MORNING, MR. CHAIRMAN, BOARD MEMBERS. IN NOVEMBER 16TH OF 1987, THE COUNTY PRESENTED A PLAN REVIEW REPORT, AND AT ITS FEBRUARY 10-11, 1988, MEETING, THIS BOARD ACCEPTED THE REPORT AND DIRECTED THE COUNTY TO REVISE THE PLAN IN A NUMBER OF AREAS, WHICH ARE INCLUDED ON PAGE 105 AND 106 OF YOUR BOARD PACKET.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 ON JULY 6TH OF '88, THE BOARD RECEIVED A
2 PRELIMINARY DRAFT OF THE YUBA-SUTTER COSWMP REVISION.
3 THE DRAFT PLAN REVISION WAS REVIEWED BY BOARD STAFF AND
4 EXTENSIVE COMMENTS ON THE DRAFT WERE MADE AND SENT TO THE
5 COUNTY. THE PRELIMINARY DRAFT WAS ALSO CIRCULATED TO THE
6 CITIES OF MARYSVILLE, WHEATLAND, YUBA CITY, AND LIVE OAK
7 FOR THEIR REVIEW AND COMMENT.

8 AS MR. OLDALL POINTED OUT, THIS IS THE ONLY
9 BICOUNTY OR TWO COUNTY PLANNING AGENCY IN THE STATE OF
10 CALIFORNIA AND ALWAYS HAS BEEN SINCE THE INCEPTION OF THE
11 SOLID WASTE SYSTEM.

12 THE BICOUNTY SOLID WASTE AUTHORITY APPROVED
13 THE PLAN REVISION ON OCTOBER 28TH OF 1988 FOLLOWING
14 APPROVAL OF THE PLAN BY ALL OF THE INCORPORATED CITIES
15 AND THE YUBA COUNTY AND SUTTER COUNTY BOARD OF
16 SUPERVISORS, AND THE REVISION WAS RECEIVED BY THE BOARD
17 ON NOVEMBER 10TH.

18 TO GIVE A LITTLE BREAKDOWN OF THE PLAN:

19 CHAPTER 1 DISCUSSES THE AREAS OF THE PLAN
20 BEING REVISED.

21 CHAPTER 2 ADDRESSES HOUSEHOLD HAZARDOUS
22 WASTE DISPOSAL.

23 CHAPTER 3 BRIEFLY DISCUSSES THE PROGRAM FOR
24 DISPOSAL OF ASBESTOS WASTE AS INCLUDED IN BOARD
25 RESOLUTION.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers'
reporting service

1 CHAPTER 4 DISCUSSES SEPTAGE AND SEWAGE
2 DISPOSAL, THE AMOUNTS, SOURCES, AND WHERE THE MATERIAL IS
3 ULTIMATELY DISPOSED OF.

4 CHAPTER 5 BRIEFLY DISCUSSES THE REMAINING
5 DISPOSAL CAPACITY IN THE BICOUNTY AREA AND CONCLUDES THAT
6 THERE IS SUFFICIENT CAPACITY IN THE COUNTY FOR THE NEXT
7 15 YEARS. WHILE THE PLAN INDICATES 15 YEARS OF DISPOSAL
8 CAPACITY REMAINING, THE CHAPTER ALSO PRESENTS INFORMATION
9 THAT THE USE PERMIT FOR THE COUNTY'S MAIN DISPOSAL SITE
10 WILL EXPIRE IN 1990, ABOUT A YEAR FROM NOW. AND, ALSO, A
11 PERMIT FROM THE STATE RECLAMATION BOARD ON THE SAME SITE
12 WILL EXPIRE IN ABOUT SIX YEARS FROM NOW. SO THIS
13 PRESENTS TWO GLITCHES AS FAR AS BOARD STAFF IS CONCERNED
14 AS FAR AS DO THEY REALLY HAVE MORE THAN EIGHT YEARS
15 CAPACITY.

16 CHAPTER 6 DESCRIBES THE EXISTING RECYCLING
17 PROGRAMS THAT CURRENTLY DIVERT WASTE FROM LANDFILLS ALONG
18 WITH EXISTING QUANTITIES.

19 CHAPTER 7 DESCRIBES THE YUBA-SUTTER AREA
20 COMPLIANCE, WHICH THE BOARD WILL REMEMBER IS A LANDFILL
21 THAT HAD A HISTORY OF NOT COMPLYING WITH THE STATE
22 MINIMUM STANDARDS. THIS SITE HAD BEEN PLACED ON THE
23 BOARD'S NONCOMPLYING FACILITY LIST; HOWEVER, THE SITE HAS
24 NOW BEEN TAKEN OFF THE NONCOMPLYING LIST.

25 CHAPTER 8 IS A SECTION THAT THE COUNTY



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 ELECTED THEMSELVES TO PUT IN. THE CHAPTER IS ADDED TO
2 REFLECT THE TRANSFER OF RESPONSIBILITIES FOR MAINTENANCE
3 OF THE PLAN FROM THE COUNTY DIVISION OF YUBA COUNTY
4 DIVISION OF HEALTH TO THE BICOUNTY SOLID WASTE AUTHORITY.

5 REACHING THE STAFF ANALYSIS, THE FINAL PLAN
6 REVISION HAS BEEN REVIEWED BY BOARD STAFF TO DETERMINE IF
7 IT DOES MEET THE BOARD'S RESOLUTIONS, STATE PLANNING
8 GUIDELINES, AND ALSO RECENT LEGISLATIVE MANDATES.

9 BOARD STAFF HAS CAREFULLY GONE OVER EACH
10 CHAPTER, AND TO TAKE THIS A CHAPTER AT A TIME:

11 (A) CHAPTER 1 DISCUSSES THE HISTORY OF THE
12 PLAN AND THE PLAN REVISION; HOWEVER, THERE'S NO CLEAR
13 EXPLANATION, AS FAR AS BOARD STAFF IS CONCERNED, ON THE
14 RELATIONSHIP TO THE PLAN REVISION TO THE EXISTING COSWMP,
15 AND IT IS NOT CLEAR FROM READING THE PLAN REVISION WHICH
16 SECTIONS OF THE REVISED COSWMP ARE REPLACING SECTIONS OF
17 FORMER COSWMP.

18 IN CHAPTER 2, WHICH RELATES TO HOUSEHOLD
19 HAZARDOUS WASTE DISPOSAL, THE CHAPTER BRIEFLY DESCRIBES A
20 PROGRAM FOR THE BICOUNTY AREA. HOWEVER, BOARD STAFF DOES
21 NOT FEEL THE CHAPTER INCLUDES ANY QUANTITIES OR TYPES AND
22 DOES NOT REALLY RELATE TO WHAT LOCAL AGENCIES WILL BE
23 RESPONSIBLE FOR IMPLEMENTING THIS PROGRAM. IT MENTIONS
24 THAT A COMMERCIAL COMPANY IS GOING TO COLLECT OR WILL BE
25 DOING THIS; BUT, AGAIN, BOARD STAFF FEELS THAT SOME

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 COUNTY AGENCY, PROBABLY THE HEALTH DEPARTMENT OR
2 SOMETHING LIKE THAT, SHOULD BE RESPONSIBLE FOR THIS.

3 CHAPTER 3 DELINEATES PAST AND EXISTING
4 AMOUNTS OF ASBESTOS WASTE GENERATED IN THE COUNTY. AND
5 BOARD STAFF AND COUNTY STAFFS HAVE HAD EXTENSIVE
6 CONVERSATION ON THIS; HOWEVER, THE CHAPTER DOES NOT
7 REALLY INDICATE WHERE THE WASTES ARE GOING ONCE THEY
8 LEAVE THE COUNTY. THE PLAN MERELY SAYS THAT THE WASTE
9 WILL BE DISPOSED OF AT APPROVED SITES OUT OF THE COUNTY.
10 HOWEVER, WE DO NOT FEEL THIS MEETS THE LETTER OF THE LAW
11 AND DOES NOT SHOW A HOME FOR THESE WASTES.

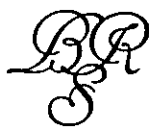
12 CHAPTER 4, SEPTAGE AND SEWAGE SLUDGE
13 DISPOSAL, THIS CHAPTER ADEQUATELY SEEMS TO ADDRESS THE
14 SEPTAGE AND SEWAGE DISPOSAL PROGRAM AS ADDRESSED IN THE
15 BOARD'S RESOLUTION.

16 CHAPTER 5, AGAIN, THE EIGHT YEAR
17 DEMONSTRATED CAPACITY, AS I PREVIOUSLY MENTIONED, THE
18 PLAN SAYS THAT THERE IS ABOUT 15 YEARS DISPOSAL; BUT,
19 AGAIN, IT DOES NOT PROVIDE MUCH REAL VERIFICATION OF THE
20 PROBLEMS THAT MAY BE ENCOUNTERED BECAUSE OF THE
21 AFOREMENTIONED USE PERMIT WHICH HAS ONLY ABOUT A YEAR TO
22 RUN OR THE RECLAMATION PERMIT WHICH HAS ABOUT SIX YEARS
23 TO RUN AND HAVING AN EFFECT ON THE ACTUAL LIFE OF THE
24 SITE. BOARD STAFF WOULD LIKE TO SEE THIS MORE THOROUGHLY
25 EXPLAINED.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Harristers'
reporting service

1 IN CHAPTER 6, THE RESOURCE RECOVERY
2 PROGRAM, STAFF BELIEVES THIS SECTION SHOULD HAVE BEEN
3 EXPANDED TO SHOW A MORE DETAILED DESCRIPTION OF THE
4 EXISTING PROGRAMS, ABOUT HOW MUCH IS BEING DIVERTED, THE
5 PERCENT OF WASTE BEING DIVERTED FROM THE LANDFILL, AND A
6 LITTLE MORE SPECIFIC PROGRAMS IN ORDER TO REACH THE
7 20-PERCENT RECYCLING GOAL THAT HAS BEEN RECENTLY
8 LEGISLATIVELY MANDATED.

9 CHAPTER 7, THE YUBA-SUTTER DISPOSAL AREA.
10 THIS CHAPTER DESCRIBES THE HISTORY OF HOW THE PROBLEMS
11 WERE FROM THE SITE AND HOW THE SITE HAS NOW BEEN TAKEN
12 OFF THE NONCOMPLYING LIST. AND BOARD STAFF FEELS THAT
13 THIS CHAPTER IS FINE.

14 CHAPTER 8, THE PROGRAM LIAISON DESIGNATION.
15 THE CHAPTER AGAIN DESCRIBES HOW THIS TRANSFER OF
16 MAINTENANCE OF THE COSWMP RESPONSIBILITY IS BEING
17 TRANSFERRED FROM THE HEALTH DEPARTMENT TO THE BICOUNTY
18 AUTHORITY. HOWEVER, BOARD STAFF HAS MENTIONED TO COUNTY
19 STAFF THAT IN ORDER TO COMPLETE THIS TRANSACTION, THIS
20 BOARD WOULD NEED RESOLUTIONS FROM BOTH YUBA AND SUTTER
21 COUNTIES NOTIFYING THE BOARD THAT THESE RESPONSIBILITIES
22 HAVE BEEN CHANGED.

23 THEREFORE, IN CONCLUSION, AFTER CAREFULLY
24 REVIEWING THE SUBMITTED PLAN REVISION, BOARD STAFF FEELS
25 THAT MANY OF THE CHAPTERS WERE NOT ADEQUATELY REVISED AND

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Barristers'
reporting service

1 NOT EXPLAINED IN ENOUGH DETAIL AND DOES NOT FULLY MEET
2 THE BOARD'S RESOLUTION, THE RECENT LEGISLATIVE
3 REQUIREMENTS, AND THE BOARD'S PLANNING GUIDELINES. AND
4 BOARD STAFF'S RECOMMENDATION WOULD BE THAT THE PLAN BE
5 DISAPPROVED, SENT BACK TO THE COUNTY SO THAT THE AREAS
6 THAT I HAVE JUST PREVIOUSLY MENTIONED CAN BE MORE
7 THOROUGHLY ADDRESSED.

8 IF BOARD HAS ANY QUESTIONS OF ME, I'D BE
9 HAPPY TO ANSWER THEM. IF NOT, WE HAVE WITH US IN THE
10 AUDIENCE, MR. KEITH MARTIN, WHO IS THE NEW ADMINISTRATOR
11 OF THE BICOUNTY SOLID WASTE AUTHORITY, WHO HAS INHERITED
12 THE TASK OF COMPLETING THE PLAN REVISION, AND ALSO MR. J.
13 J. KRUG, THE DIRECTOR OF ENVIRONMENTAL HEALTH OF YUBA
14 COUNTY.

15 CHAIRMAN GALLAGHER: ANY QUESTIONS OF MR.
16 ARMSTRONG?

17 BOARD MEMBER BEAUTROW: I JUST HAVE ONE COMMENT,
18 CY. THIS DOESN'T HAPPEN VERY OFTEN THAT WE GET THESE
19 REVISIONS. IN FACT, THIS IS ONE OF THE FEW IN MEMORY,
20 AND I ASSUME THAT WE'RE APPLYING THE SAME YARDSTICKS
21 SCRUPULOUSLY SO THAT WE'RE NOT CHANGING THE STANDARDS OR
22 THE MEASURES THAT WE'RE USING ON THIS. AND I WOULD JUST
23 LIKE YOU TO REITERATE THAT THERE'S NO VARIATIONS OR
24 NOTHING UNUSUAL ABOUT WHAT WE'RE LOOKING AT HERE THAT WE
25 DON'T ASK ANYBODY ELSE.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 MR. ARMSTRONG: NO, MR. BEAUTROW. WE TRY AND
2 WORK WITH THE COUNTIES, AND WE ASK NO MORE OR NO LESS
3 THAN ANY OTHER COUNTIES. AND WE TRY TO GO STEP BY STEP,
4 WHAT IS REQUIRED BY THE PLANNING GUIDELINES, BY THE BOARD
5 RESOLUTION THAT ACCEPTED THE PLAN REVIEW REPORT, AND
6 MANDATES OF THE LAW, WHICH WE HAVE THREE OR FOUR RECENT
7 ONES. SO WE ASK NO MORE OR NO LESS OF ANY DIFFERENT
8 COUNTY.

9 CHAIRMAN GALLAGHER: WOULD THE GENTLEMAN FROM
10 YUBA-SUTTER LIKE TO MAKE THEIR PRESENTATION, PLEASE.

11 BOARD MEMBER BROWN: MR. CHAIRMAN. EXCUSE ME,
12 CY -- AND I WILL ASK THIS OF MR. MARTIN ALSO -- BUT I
13 NOTICE THIS RECENT BICOUNTY SOLID WASTE AUTHORITY, IS IT
14 POSSIBLE -- WHEN DID THIS AUTHORITY COME INTO PLACE?

15 MR. ARMSTRONG: I'M GOING TO DEFER THE ACTUAL
16 DATE TO KEITH MARTIN ON THIS. THIS HAS BEEN A BICOUNTY
17 AGENCY PLANNING AND ENFORCEMENT AGENCY FOR SOME TIME.
18 AND THEN TO FACILITATE THE ACTUAL OPERATION OF THIS, THIS
19 BICOUNTY AUTHORITY HAS COME IN. ACTUALLY THERE IS SOME
20 SYMPATHY FOR MR. MARTIN, BECAUSE COMING IN THE MIDDLE OF
21 THE STREAM, HE INHERITED THE JOB OF COMPLETING THIS AND I
22 KIND OF FEEL FOR HIM ON THIS.

23 BOARD MEMBER BROWN: WELL, MY ONLY POINT WAS
24 GOING TO BE THAT POSSIBLY THIS WHOLE PLAN REVISION GOT
25 CAUGHT UP IN THE CHANGING OF AN AGENCY SOMEHOW, AND IT'S



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 NOT THE CASE.

2 MR. ARMSTRONG: NO. WE DID HAVE THE SAME TYPE
3 OF OPERATION FOR A NUMBER OF YEARS. IT'S JUST THEY'VE
4 KIND OF SPECIFIED IT INTO A BICOUNTY PERMANENT
5 AUTHORITY-TYPE THING.

6 MR. EOWAN: MR. BROWN, THEY HAD A JOINT POWERS
7 AGREEMENT FOR A NUMBER OF YEARS, AS I RECALL IT,
8 I THINK --

9 MR. ARMSTRONG: OVER TEN YEARS.

10 MR. EOWAN: MID-'70S.

11 BOARD MEMBER BROWN: SO IT'S A WORD CHANGE, MORE
12 THAN ANYTHING. OKAY, FINE.

13 MR. MARTIN, SORRY TO INTERRUPT.

14 MR. MARTIN: SURE. MAYBE AS I GO THROUGH
15 THIS --

16 CHAIRMAN GALLAGHER: MR. MOSCONE.

17 BOARD MEMBER MOSCONE: I FORGET THE BILL NUMBER.
18 DID THAT HAVE ANY AFFECT ON THEIR DOING A PROPER JOB ON
19 THIS?

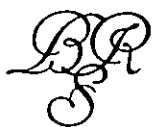
20 MR. EOWAN: THE CHANDLER BILL?

21 BOARD MEMBER MOSCONE: NO.

22 MR. EOWAN: DID IT HAVE ANY EFFECT ON THE JOINT
23 POWERS AGREEMENT? I DON'T THINK SO.

24 BOARD MEMBER MOSCONE: OR ANY --

25 MR. ARMSTRONG: TO GIVE THE BOARD A LITTLE BIT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 OF BACKGROUND THAT YOU PROBABLY RECALL, YUBA AND SUTTER
2 COUNTY HAD BEEN TRYING TO SITE A NEW LANDFILL FOR OVER
3 TEN YEARS THAT THIS BOARD STAFF HAS BEEN WORKING WITH
4 THEM. THEY HAVE A UNIQUE THING THAT ALL FOUR CITIES IN
5 THE BICOUNTY AREA AND BOTH COUNTIES MUST APPROVE ANY
6 ACTION, SUCH AS A NEW SITE.

7 THEY FOUND WHAT WE THOUGHT WAS QUITE A
8 SATISFACTORY 300-SOME ACRE SITE, BUT THE SMALLEST OF THE
9 FOUR CITIES HAS REPEATEDLY BLOCKED THE ADOPTION OF THIS
10 SITE, AND SO THE COUNTY IS BEING FORCED TO LOOK FURTHER.

11 CHAIRMAN GALLAGHER: ANYTHING ELSE FROM THE
12 BOARD?

13 BOARD MEMBER BREMBERG: MR. CHAIRMAN, DIDN'T THE
14 CHANDLER BILL CHANGE THE RATIFICATION PROCESS SO THAT
15 WITHOUT WHEATLAND THEY COULD SITE SOMETHING WITHOUT THEIR
16 RATIFICATION?

17 MR. ARMSTRONG: THAT WAS THE IDEA OF THE BILL.

18 CHAIRMAN GALLAGHER: ALL RIGHT.

19 NOW, MR. MARTIN, YOU'VE BEEN INTERRUPTED
20 ENOUGH, BUT YOU CAN PROCEED, PLEASE.

21 MR. MARTIN: A LOT OF GOOD QUESTIONS. MAYBE I
22 CAN TRY TO ANSWER A FEW OF THEM FROM OUR PERSPECTIVE.

23 GOOD MORNING. THANK YOU FOR THE
24 OPPORTUNITY TO COME HERE ON A FRIDAY INSTEAD OF SITTING
25 HERE FOR TWO DAYS ON THURSDAY. I APPRECIATE THE STAFF



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 WORKING WITH US ON THE SCHEDULE. MY NAME IS KEITH
2 MARTIN. I AM THE ADMINISTRATOR OF THE BICOUNTY SOLID
3 WASTE AUTHORITY, THE ONLY -- AS THE STAFF HAS POINTED
4 OUT, THE ONLY MULTICOUNTY SOLID WASTE PLANNING AUTHORITY
5 IN THE STATE.

6 THE COUPLE OF THINGS I WOULD LIKE TO TOUCH
7 ON BEFORE WE GET INTO THE ISSUES OF THIS PLAN REVISION.
8 THE CHANDLER LEGISLATION WAS INTENDED TO PROVIDE A
9 MECHANISM WHEREBY WE COULD EFFECT AN OVERRIDE OF THE
10 WHEATLAND VETO. THAT LEGISLATION, THOUGH, CANNOT BE
11 ENACTED JUST BECAUSE OF THE LEGISLATION BEING SIGNED INTO
12 LAW.

13 THE FACT IS THAT THE LEGISLATION PERMITS US
14 TO DO THIS, BUT WE HAVE A CURRENT JOINT POWERS AGREEMENT
15 THAT PREVENTS US FROM TAKING ANY ACTION THAT IS NOT
16 APPROVED BY ALL SIX JURISDICTIONS. TO EFFECTIVELY
17 IMPLEMENT THE CHANDLER LEGISLATION, WE WOULD HAVE TO
18 DISSOLVE THE CURRENT JPA AND REFORM THE JPA WITH THE NEW
19 LANGUAGE ALLOWED WITHIN THE CHANDLER LEGISLATION. SO
20 JUST THE ADOPTION OF THAT LEGISLATION DID NOT ALLOW US TO
21 OVERRIDE THE WHEATLAND VETO BECAUSE WE DO HAVE AN AGREED
22 UPON JOINT POWERS AGREEMENT THAT ESTABLISHES THE VOTING
23 RIGHTS OF EACH JURISDICTION TO HAVE ABSOLUTE VETO POWER
24 OVER ALL AMENDMENTS TO THE BICOUNTY SOLID WASTE
25 MANAGEMENT PLAN.

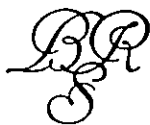
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



barristers'
reporting service

1 IT'S A VERY INTERESTING QUANDARY THAT WE
2 ARE IN. WE DO HAVE LEGISLATION THAT WE COULD GET AHOLD
3 OF, BUT WE HAVE TO TAKE ACTION BEFORE WE CAN DO THAT.
4 AND IT'S A VERY HOTLY POLITICAL SITUATION, AS YOU MIGHT
5 UNDERSTAND.

6 THE BICOUNTY AUTHORITY HAS BEEN IN
7 EXISTENCE SINCE '79. UNTIL MARCH OF LAST YEAR, THE
8 BICOUNTY AUTHORITY HAD NO DIRECT STAFFING, NO BUDGET,
9 SIMPLY WAS A JPA THAT WAS FORMED BY THE LOCAL
10 JURISDICTIONS. ONE MEMBER OF EACH JURISDICTION'S ELECTED
11 BOARD SAT ON THAT JOINT POWERS AGREEMENT BOARD, AND THE
12 STAFFING WAS PROVIDED ON A ROTATING BASIS AMONGST THE
13 CITY MANAGERS AND COUNTY EXECUTIVES OF THE FOUR LARGEST
14 JURISDICTIONS. SO EACH YEAR THEY PACKED UP ALL THE
15 MATERIALS AND SUPPLIES AND HANDED THEM OVER TO THE NEXT
16 GUY; AND AS YOU CAN UNDERSTAND, THAT'S NOT A REAL
17 EFFECTIVE WAY TO HAVE A LONG-TERM PLANNING PROCESS.

18 IN MARCH OF THIS YEAR, THEY DECIDED IT WAS
19 IMPORTANT THAT THEY HAD SOME PERMANENT STAFF, AND THEY
20 ARRANGED FOR MY ORGANIZATION. I AM THE ADMINISTRATOR OF
21 ANOTHER ORGANIZATION IN THE BICOUNTY AREA ON A PART-TIME
22 BASIS. I SERVE AS THE ADMINISTRATOR OF THE BICOUNTY
23 AUTHORITY. AND FOR THE FIRST TIME, WE HAVE A PERMANENT
24 CONSISTENT STAFFING AND A BUDGET, AND I'M HOPEFUL THAT IN
25 TIME TO COME WE'LL HAVE A MUCH BETTER RELATIONSHIP

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 WITH -- IN THE WAY WE HANDLE OUR PLAN REVISIONS.

2 THE -- WITH ME THIS MORNING IS MR. J. J.
3 KRUG, JONATHAN KRUG, FROM THE YUBA COUNTY HEALTH
4 DEPARTMENT. HE IS THE LOCAL ENFORCEMENT AGENT FOR OUR
5 AREA AND FOR THE CURRENT PRIMARY PUBLIC LANDFILL. AND IF
6 YOU HAVE ANY QUESTIONS OF HIM WHEN I'M FINISHED, HE'LL BE
7 HAPPY TO TALK TO YOU ABOUT THAT.

8 THE DOCUMENT THAT'S PRESENTED TO YOU THIS
9 MORNING REPRESENTS A SINCERE EFFORT BY THE BICOUNTY
10 AUTHORITY JURISDICTIONS TO COMPLY WITH THE RESOLUTION
11 ADOPTED BY THIS BOARD IN FEBRUARY OF LAST YEAR. I SHOULD
12 POINT OUT THAT YOUR STAFF HAS BEEN VERY HELPFUL IN THE
13 PREPARATION OF OUR REPORT. THEY'VE BEEN VERY HELPFUL IN
14 PROVIDING ASSISTANCE THROUGHOUT THE PROCESS.

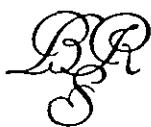
15 UNFORTUNATELY, WE'VE HAD A LATE START ON
16 THIS ARRANGEMENT, THROUGH NO FAULT OF YOUR STAFF; BUT AT
17 THE SAME TIME, WE WERE NOT ABLE TO HAVE IN HAND THE FINAL
18 STAFF COMMENTS UNTIL OUR BOARD WAS TAKING ACTION TO BEGIN
19 THE -- APPROVING THE FINAL DRAFT, WHICH WAS GOING OUT FOR
20 THE PUBLIC HEARINGS IN THE VARIOUS JURISDICTIONS. SO WE
21 DIDN'T HAVE A WHOLE LOT OF TIME TO RESPOND TO THE WRITTEN
22 COMMENTS THAT WE RECEIVED.

23 AT THE SAME TIME, IN ALL HONESTY, NOT A
24 WHOLE LOT MORE COULD HAVE BEEN DONE AT THAT TIME TO
25 RESPOND TO THOSE COMMENTS BECAUSE MUCH OF THE INFORMATION

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 THAT'S REQUESTED AT THAT TIME WAS NOT AVAILABLE TO US, OR
2 THE PROGRAMS JUST WEREN'T IN PLACE. WE DIDN'T HAVE
3 INFORMATION TO PROVIDE TO YOU.

4 IF YOU MIGHT -- I'M NOT SURE HOW FAMILIAR
5 YOU ARE WITH OUR AREA. WE RECENTLY HAD A MEASURE A
6 CAMPAIGN IN YUBA COUNTY THAT WOULD HAVE PREVENTED THE
7 IMPORTATION OF ANY OUT-OF-COUNTY GARBAGE INTO YUBA
8 COUNTY, WHICH WOULD EFFECTIVELY HAVE SPLIT THE BICOUNTY
9 AUTHORITY AND ELIMINATED THE MULTICOUNTY APPROACH TO
10 SOLID WASTE PLANNING IN THIS AREA. THAT WAS A VERY
11 HIGHLY CHARGED CAMPAIGN, VERY EXPENSIVE BY THOSE WHO
12 OPPOSED AND THOSE WHO WERE IN FAVOR OF IT, AND
13 FORTUNATELY FOR THE BICOUNTY APPROACH, IT WAS DEFEATED.

14 THAT WAS A PART OF THE RESTRICTIONS WE HAD
15 IN TRYING TO PREPARE A COMPREHENSIVE DOCUMENT IN THE FACE
16 OF THE FACT THAT THE WHEATLAND AND OTHER SMALLER
17 COMMUNITIES HAD ABSOLUTE VETO POWER OVER THIS VERY
18 DOCUMENT HERE SO THAT IF WE HAD PREPARED SOME THINGS THE
19 WAY WE MAY HAVE WANTED TO PUT THEM IN THE REPORT, THERE
20 WOULD NOT HAVE BEEN A REPORT TO YOUR STAFF'S DESK. SO WE
21 HAVE A HARD TIME ACCOMPLISHING A LOT OF THINGS IN THAT
22 AREA SO WE HAVE TO BE VERY CAREFUL.

23 AT THE SAME TIME, AS YOU ARE AWARE, THE
24 RECENT CHANDLER LEGISLATION HAS ALLOWED A MECHANISM THAT
25 WE CAN USE IN THE FUTURE TO RESOLVE SOME OF THE PROBLEMS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers'
reporting service

1 WE HAVE. WE'RE HOPEFUL THAT A LOT OF THESE THINGS WILL
2 BE SMOOTHED OVER IN THE NEAR TIME.

3 THE FACT THAT WE DID NOT HAVE INFORMATION
4 AT THE TIME WHEN WE RECEIVED THE EARLY STAFF COMMENTS,
5 THAT'S NO LONGER THE CASE. WE NOW HAVE A LOT OF
6 ACTIVITIES IN THE AREA. WE'VE HAD SEVERAL MAJOR
7 DEVELOPMENTS THAT HAVE NOW ALLOWED US TO RESPOND BETTER
8 IN WHAT I ANTICIPATE TO BE A RESUBMITTAL OF THIS
9 DOCUMENT.

10 THE -- I'D LIKE TO REVIEW JUST BRIEFLY YOUR
11 STAFF ANALYSIS BY SECTION AND EXPLAIN TO YOU HOW WE WILL
12 BE ABLE TO ADDRESS YOUR STAFF'S CONCERNS IN THAT
13 RESUBMITTAL.

14 UNDER THE CHAPTER 1 INTRODUCTION, WE WILL
15 BETTER LINK THE REVISION TO THE EXISTING BICOUNTY SOLID
16 WASTE MANAGEMENT PLAN, WHICH WE AFFECTIONATELY CALL THE
17 BI-COSWMP.

18 THE HOUSEHOLD HAZARDOUS WASTE SECTION, WE
19 WILL BE TAKING THE TANNER PLAN INFORMATION AND PROVIDING
20 MORE DATA ON QUANTITIES AND TYPES OF HAZARDOUS MATERIALS
21 BEING GENERATED.

22 ALSO, ON THE ISSUE OF PROGRAM DETAILS, WE
23 JUST LAST WEEK RECEIVED A FIRST CUT OF A WRITTEN PROPOSAL
24 FROM OUR LANDFILL OPERATOR ON A COMPREHENSIVE HAZARDOUS
25 WASTE TRANSFER FACILITY AND HOUSEHOLD DROP-OFF CENTER.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 IT WOULD BE COMBINED WITH THEIR REQUIRED LOAD CHECKING
2 PROGRAM AT THE LANDFILL. WE ANTICIPATE THAT WE WILL BE
3 ABLE TO PROVIDE FULL DETAILS OF THAT PROGRAM TO YOU IN
4 THE RESUBMITTAL.

5 THE ASBESTOS DISPOSAL ISSUE, WE WILL
6 IMPROVE UPON THAT, AND WE'VE TALKED TO YOUR STAFF EVEN
7 THIS MORNING ON THAT ISSUE.

8 ON THE SEPTAGE AND SEWAGE SLUDGE, WE WILL
9 BE DOING NO ADDITIONAL WORK ON THAT, AS YOUR STAFF HAS
10 INDICATED SATISFACTION. ON THE EIGHT-YEAR CAPACITY
11 ISSUE, WE WILL EXPAND THE DISCUSSION ON THE STATUS OF THE
12 VARIOUS OPERATING PERMITS, AND WE WILL PROVIDE YOU WITH
13 MORE DETAIL ON TECHNICAL DATA CAPACITY.

14 RESOURCE RECOVERY, ON THE VERY DAY THAT THE
15 BICOUNTY SOLID WASTE AUTHORITY WAS ADOPTING THIS PLAN
16 REVISION TO SUBMIT TO YOUR STAFF AND THIS BOARD, WE
17 RECEIVED A PROPOSAL FROM OUR OPERATOR TO DEVELOP A ONE
18 AND A HALF MILLION DOLLAR FRONT-END RECYCLING CENTER AT
19 THE LANDFILL SITE, WHICH WE ANTICIPATE WILL ACHIEVE A
20 25-PERCENT REDUCTION ON MATERIAL ENTERING THE LANDFILL.
21 AND WE WILL, AGAIN, GIVE YOU FULL DETAILS ON THAT
22 FACILITY IN OUR RESUBMITTAL.

23 AS YOU CAN TELL FROM -- THERE'S A LOT OF
24 ACTION THAT'S BEEN UNDERWAY IN RECENT MONTHS AND A LOT OF
25 THINGS HAVE REALLY TAKEN OFF IN OUR AREA.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO, 619-455-1997



barristers'
reporting service

1 THE YSDA COMPLIANCE, AGAIN, STAFF HAS
2 INDICATED SATISFACTION. WE WILL BE DOING NO ADDITIONAL
3 WORK ON THAT.

4 THE PROGRAM LIAISON DESIGNATION, IT IS IN
5 OUR OPINION THAT THE REVISION BEING ADOPTED BY ALL SIX
6 JURISDICTIONS, INCLUDING THE TWO COUNTIES, IDENTIFYING
7 THE LIAISON CHANGE WOULD -- SHOULD SATISFY STAFF DESIRE
8 FOR FORMAL NOTIFICATION; BUT IF YOU REQUIRE FURTHER
9 NOTICE, WE'LL PROVIDE THAT IN THE RESUBMITTAL.

10 IN CONCLUSION, I WANT TO REEMPHASIZE THE
11 FACT THAT THIS REVISION IS A SINCERE EFFORT BY OUR
12 JURISDICTIONS TO COMPLY WITH THE INTENT OF THIS BOARD.
13 AND THAT WHILE WE ARE DISAPPOINTED WITH THE STAFF
14 RECOMMENDATION, WE UNDERSTAND IT. WE RECOGNIZE THE
15 SHORTFALLS IN THE MATERIAL WE PRESENTED TO YOU, AND WE
16 ARE PREPARED TO DELIVER A COMPREHENSIVE PROGRAM IN THE
17 NEXT RESUBMITTAL, AS I AM SURE YOU WILL CHOOSE TO DENY
18 THE DOCUMENT THIS MORNING.

19 THANK YOU FOR YOUR TIME, AND I'D BE HAPPY
20 TO TRY AND ANSWER ANY COMMENTS YOU MIGHT HAVE.

21 CHAIRMAN GALLAGHER: THANK YOU, MR. MARTIN.

22 MR. BROWN, YOU HAD YOUR LIGHT ON FIRST.

23 BOARD MEMBER BROWN: MR. MARTIN, YEAH, I THINK
24 I'M PLEASED TO HEAR YOUR REPORT AND PLEASED TO REALIZE
25 THAT YOU KNOW WHERE THE PROBLEM AREAS ARE. LITTLE BIT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 DISAPPOINTED THAT YOU DIDN'T DO A BETTER JOB TO START
2 WITH BECAUSE THAT'S OUR FUNCTION IS TO GET THINGS MOVING
3 LONG. I'M SURE YOU ARE SENSITIVE TO THAT AND HOPE THAT
4 THE NEXT GO AROUND WILL BE MUCH MORE SATISFACTORY TO YOU.

5 JUST LET ME CAUTION YOU, THOUGH, THAT THIS
6 BOARD DOESN'T HAVE A LOT OF SYMPATHY FOR POLITICAL
7 PROBLEMS THAT EXIST WITHIN JURISDICTIONS AND BEING USED
8 UP HERE AS A REASON FOR NOT COMPLYING OR HAVING
9 DIFFICULTY COMPLYING. WE CERTAINLY UNDERSTAND THE
10 POLITICAL PROBLEMS, BUT WE CAN'T LET THAT ENTER INTO OUR
11 JUDGMENT OF PARTICULAR PROBLEMS. SO THAT IF YOU HAVE
12 THOSE PROBLEMS, PLEASE WORK THEM OUT IN YOUR AREA.
13 OTHERWISE, CONSULT CONTRA COSTA COUNTY ON HOW TO PROCEED.

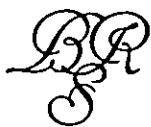
14 CHAIRMAN GALLAGHER: MS. BREMBERG.

15 BOARD MEMBER BREMBERG: YEAH, MR. MARTIN. UNDER
16 CHAPTER 5, I'M NOT AT ALL SURE THAT I UNDERSTOOD YOUR
17 RATIONALIZATION FOR SAYING THAT A
18 MILLION-AND-A-HALF-DOLLAR RECYCLING CENTER WAS GOING TO
19 GUARANTEE YOU AN EIGHT-YEAR DEMONSTRATED CAPACITY.

20 MR. MARTIN: I DON'T THINK I REFERENCED THAT AT
21 ALL.

22 BOARD MEMBER BREMBERG: OH, THEN I
23 MISUNDERSTOOD. I THOUGHT YOU SAID CHAPTER 5. YOU MUST
24 HAVE BEEN TALKING ABOUT CHAPTER 6.

25 MR. MARTIN: NO. I'M SORRY IF YOU TOOK THAT --



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 NO, I DID NOT REFERENCE A CHAPTER. I JUST SAID THE
2 RECYCLING. I'M SORRY. UNDER CHAPTER 6, RESOURCE
3 RECOVERY, I WAS DEALING WITH THE RECYCLING FACILITY.
4 SORRY ABOUT THAT.

5 BOARD MEMBER BREMBERG: WELL, YOU DID SAY FIVE.
6 BUT WHAT DO YOU PLAN TO DO ABOUT YOUR EIGHT-YEAR
7 DEMONSTRATED CAPACITY?

8 MR. MARTIN: WELL, AS I INDICATED IN THE REPORT,
9 WE HAVE, WE BELIEVE -- AND I WILL PRESENT TECHNICAL
10 INFORMATION ON THE CAPACITY OF THE LANDFILL -- ON THE
11 ISSUE OF THE PERMITS, WE WILL TRY TO EXPLAIN HOW -- WHY
12 WE BELIEVE THESE PERMITS TO BE RENEWABLE WITHOUT A
13 PROBLEM.

14 I DON'T KNOW HOW FAR WE CAN GO ON
15 PREDICTING THE ACTION OF THE RECLAMATION BOARD STAFF. AS
16 I UNDERSTAND, IT WILL ONLY REQUIRE A STAFF ACTION IN '95.
17 THE 1990 PERMIT THAT IS REFERENCED IN THE REPORT, THAT
18 HAS ALREADY BEEN DEALT WITH SINCE THE TIME OF THE
19 SUBMITTAL, AND THAT ISSUE IS NO LONGER A PART OF THIS
20 PROBLEM.

21 BOARD MEMBER BREMBERG: WELL, IF YOUR
22 RECLAMATION PERMIT IS EXPANDED, HOW MANY GUARANTEED YEARS
23 DOES THAT GIVE YOU IN CAPACITY?

24 MR. MARTIN: IF THE '95 PERMIT IS APPROVED, I
25 WOULD ANTICIPATE ANOTHER FIVE YEARS BEYOND THAT. WE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

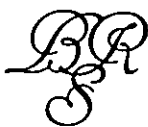
1 ANTICIPATE 15 YEARS OF CAPACITY, TECHNICAL CAPACITY,
2 WITHIN THE CURRENT LANDFILL SITE. AT THE SAME TIME,
3 UNDERSTANDING THE LANDFILL, THE PROBLEMS OF HAVING A
4 LANDFILL WITHIN THE CITY LIMITS OF THE CITY OF MARYSVILLE
5 AND THE PROBLEMS THE RECLAMATION BOARD HAS HAD IN THE
6 PAST WITH THAT LANDFILL IN THE PROXIMITY OF THE
7 FLOODPLAIN OF THE YUBA RIVER, WE ARE ATTEMPTING TO SECURE
8 ANOTHER SITE. PART OF THAT ACTIVITY IS RELATED AROUND
9 THE CHANDLER LEGISLATION.

10 OUR CURRENT LANDFILL OPERATOR HAS PURCHASED
11 ANOTHER SITE. THE EIR'S HAVE BEEN COMPLETED. ALL THE
12 OTHER JURISDICTIONS HAVE APPROVED THAT SITE, WITH THE
13 EXCEPTION OF THE CITY OF WHEATLAND. SO THAT ISSUE MAY BE
14 RESOLVED QUITE EASILY ONCE WE HAVE RESOLVED THE ISSUE OF
15 THE WHEATLAND VETO. AGAIN, I CAN'T PREDICT THAT ACTION.

16 CHAIRMAN GALLAGHER: MR. BEAUTROW.

17 BOARD MEMBER BEAUTROW: THIS IS A QUESTION FOR
18 CY. A HUNDRED AND TWENTY DAYS IS WHAT'S STIPULATED IN
19 THE RESOLUTION, AND THIS IS STATUTORY PRIMARILY BECAUSE
20 THEY'VE GOT TO GO BACK THROUGH ALL THE CITIES AGAIN.
21 THEY'VE GOT TO GO THROUGH THE SAME PROCEDURE OF GETTING
22 THE CONCURRENCE OF THE CITIES?

23 MR. ARMSTRONG: YES, MR. BEAUTROW, THAT'S
24 CORRECT. THEY HAVE TO GO BACK BECAUSE IT IS A BICOUNTY
25 WASTE MANAGEMENT PLAN. SO THEY HAVE TO HAVE THE APPROVAL



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 OF ALL THE ENTITIES WITHIN THE BICOUNTY.

2 BOARD MEMBER BEAUTROW: HOW MANY TOTAL CITIES IS
3 THERE THAT --

4 MR. ARMSTRONG: FOUR CITIES AND TWO COUNTIES IN
5 THE TWO AREAS.

6 BOARD MEMBER BEAUTROW: I MEAN, IT'S NOT THE
7 LENGTH OF THE REVISION THAT'S GOING TO TAKE THE TIME.
8 IT'S THE PROCEDURE OF GETTING ALL OF THE APPROVALS THAT
9 IS THE STICKLER HERE. AND WE HAVE TO STICK WITH 120
10 DAYS?

11 MR. ARMSTRONG: THAT IS WITHIN OUR REGULATIONS,
12 YES, SIR.

13 CHAIRMAN GALLAGHER: MR. CONHEIM.

14 ATTORNEY CONHEIM: I HOPE I WAS PAYING ENOUGH
15 ATTENTION TO HAVE MY REMARK BE ABSOLUTELY RIGHT ON POINT.

16 THE REGULATION SAYS YOU CAN GIVE AN
17 EXTENSION OF 120 DAYS OR MORE FOR GOOD CAUSE. SO 120 HAS
18 BEEN OUR POLICY UNLESS THERE WAS SOME -- I THINK -- I
19 DON'T KNOW WHETHER WE EVER GAVE ANY MORE INITIALLY. I
20 DON'T THINK SO. I'M JUST WONDERING. I'M TRY TO THINK IF
21 WE -- I THINK WE DID ACTUALLY IN ONE OF THE COUNTIES THAT
22 HAD A DEFICIENT PLAN GAVE THEM MORE THAN 120 DAYS. I
23 CAN'T REMEMBER IT, BUT IT WAS --

24 BOARD MEMBER BEAUTROW: I'M GLAD YOU ARE SO
25 AGREEABLE TO UNDERTAKE THIS THING. THIS WAS RELATIVELY



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 EASY. MOVE RESOLUTION 89-4.

2 BOARD MEMBER BREMBERG: SECOND.

3 CHAIRMAN GALLAGHER: BEFORE WE ACCEPT THAT
4 MOTION, IS THERE ANYONE ELSE WHO WANTS TO SPEAK TO THE
5 YUBA-SUTTER PLAN? OKAY. WE HAVE A MOTION AND A SECOND
6 TO MOVE RESOLUTION 88-4, WHICH WOULD DIRECT THE COUNTY TO
7 REVISE THE PROGRAM AND PLAN AS INDICATED BY STAFF AND BE
8 BACK TO US WITHIN 120 DAYS. ALL THOSE IN FAVOR?
9 OPPOSED? CARRIED AND SO ORDERED. THANK YOU, GENTLEMEN.

10 WE NOW MOVE TO ITEM NO. 10 ON THE AGENDA.

11 MR. IWAHIRO: YES, MR. CHAIRMAN. ITEM NO. 10 IS
12 DETERMINATION OF CONFORMANCE TO THE COUNTY PLAN AND A
13 CONCURRENCE -- I THOUGHT I WAS GOING TO GET BY ON THAT.
14 ITEM NO. 10 IS UNDER TAB 11, IN MY CASE, PAGE 203.

15 THIS IS A ONE OF THE REGULAR TYPES OF
16 ACTIONS BEING CALLED FOR A NEW TRANSFER STATION, AND IT'S
17 IN STANISLAUS COUNTY, WHICH WILL BE BASICALLY ONE OF THE
18 TRANSFER STATIONS THAT'S FEEDING THE INCINERATION PLANT
19 DOWN THERE. SO IT'S A CONCURRENCE AS WELL AS CONFORMANCE
20 WITH THE COUNTY PLAN.

21 CY ARMSTRONG FROM THE PLANNING AND CHRISTY
22 PORTER FROM PERMITS WILL BE DISCUSSING THIS ITEM WITH
23 YOU.

24 MS. PORTER: MR. CHAIRMAN, MEMBERS OF THE BOARD,
25 THIS ITEM, AS MR. IWAHIRO SAID, IS REGARDING THE GILTON

BETH C. DRAIN, CSR 7152



• 1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 RESOURCE RECOVERY/TRANSFER FACILITY, WHICH IS A NEW LARGE
2 VOLUME TRANSFER STATION PROPOSED IN STANISLAUS COUNTY.

3 TODAY THE BOARD MUST CONSIDER THE
4 DETERMINATION OF CONFORMANCE WITH THE COUNTY SOLID WASTE
5 MANAGEMENT PLAN AND CONCURRENCE IN THE ISSUANCE OF A NEW
6 SOLID WASTE FACILITIES PERMIT.

7 BECAUSE THE COUNTY'S GEER ROAD LANDFILL
8 WILL BE CLOSING SOMETIME IN 1989, THE COUNTY WOULD LIKE
9 TO PERMIT SEVERAL NEW TRANSFER STATIONS IN THE AREA. THE
10 GILTON FACILITY IS THE FIRST OF THESE TO BE BROUGHT
11 BEFORE THE BOARD.

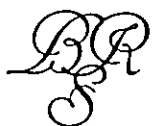
12 THE PROPOSED FACILITY WILL ACCEPT ONLY
13 NONHAZARDOUS SOLID WASTE FROM BOTH COMMERCIAL HAULERS AND
14 PRIVATE VEHICLES AND WILL OPERATE SEVEN DAYS A WEEK.
15 ALTHOUGH THE PERMITTED CAPACITY IS 1200 TONS PER DAY,
16 THE OPERATOR ANTICIPATES AN INITIAL THROUGHPUT OF ONLY
17 350 TONS PER DAY. THIS DIFFERENCE ALLOWS FOR AN
18 INCREASED VOLUME OF WASTE OVER THE NEXT SEVERAL YEARS.

19 IN ADDITION TO FULFILLING THE WASTE
20 HANDLING NEEDS OF THE COUNTY, THE GILTON OPERATOR PLANS
21 ON CONDUCTING EXTENSIVE RESOURCE RECOVERY AT THE TRANSFER
22 STATION. MATERIALS RECOVERED WILL INCLUDE WOOD, GLASS,
23 METALS, PLASTIC, PAPER, AND CARDBOARD. WASTE REMAINING
24 AFTER RESOURCE RECOVERY WILL BE HAULED TO THE STANISLAUS
25 RESOURCE RECOVERY FACILITY FOR INCINERATION OR TO THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 FINK ROAD LANDFILL FOR DISPOSAL.

2 MR. ARMSTRONG WILL NOW ADDRESS THE
3 ENVIRONMENTAL REVIEW AND CONFORMANCE FINDINGS.

4 MR. ARMSTRONG: AS IS THE NORMAL, THE CALIFORNIA
5 ENVIRONMENTAL QUALITY ACT REQUIRES THAT ANY ENVIRONMENTAL
6 IMPACTS OF A PROJECT BE CONSIDERED BY A PUBLIC AGENCY
7 WHICH HAS DISCRETIONARY AUTHORITY OVER IT. THE COUNTY IN
8 THIS INSTANCE, COUNTY OF STANISLAUS, HAS PREPARED AND
9 CIRCULATED PROPERLY AN ENVIRONMENTAL IMPACT REPORT FOR
10 THE PROJECT. IT WAS CIRCULATED THROUGH THE STATE
11 CLEARING HOUSE, COUNTY AGENCIES, AND STATE AGENCIES.

12 IN YOUR PACKET, DESCRIBED BELOW ARE THE
13 PROJECT'S POTENTIALLY SIGNIFICANT IMPACTS -- THERE'S
14 QUITE A FEW OF THEM -- AND THE MITIGATION MEASURES FOR
15 THOSE. SOME OF THOSE, OF COURSE, INCLUDED NOISE,
16 VECTORS, AESTHETICS, WATER QUALITY, TRAFFIC, ODORS, DUST,
17 AND LITTER.

18 THE COUNTY, AFTER PRODUCING THE
19 ENVIRONMENTAL IMPACT, HAS CONCLUDED THAT THE PROJECT
20 WOULD NOT CREATE ANY SIGNIFICANT IMPACTS; AND WITH THE
21 INCORPORATION OF THE MITIGATION MEASURES LISTED IN YOUR
22 PACKET, THAT ALL POTENTIAL IMPACTS WOULD BE ELIMINATED OR
23 SIGNIFICANTLY REDUCED.

24 THERE IS A SECOND ACTION THE BOARD MUST
25 TAKE, WHICH IS THE DETERMINATION OF CONFORMANCE. IN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 ACCORDANCE WITH THE PROCEDURES FOR DETERMINING A
2 DETERMINATION OF CONFORMANCE, THE COUNTY HAS SUBMITTED,
3 THROUGH THE PROPONENT, A LOCAL FINDING OF CONFORMANCE AND
4 THE PROJECT PROPONENT HAS ALSO FILED A NOTICE OF PROPOSED
5 FACILITY WITH THE BOARD.

6 BOARD STAFF FINDS THAT ALL LOCAL ACTIONS
7 HAVE BEEN COMPLETED AND IT IS APPROPRIATE FOR THE BOARD
8 TO CONSIDER THE REQUEST FOR DETERMINATION OF CONFORMANCE.
9 FOUR FINDINGS MUST BE MADE: THE CONSISTENCY WITH STATE
10 POLICY, THE CONSISTENCY WITH POLICIES AND OBJECTIVES OF
11 THE COSWMP, THE CONSISTENCY WITH THE SHORT, MEDIUM, AND
12 LONG-TERM FACILITY ELEMENT OF THE COSWMP, AND THE LOCAL
13 ISSUES AND PLANNING.

14 MS. CHRISTY WILL CONCLUDE THE PRESENTATION.

15 MS. PORTER: IN ACCORDANCE WITH THE PERMITTING
16 REQUIREMENTS OF THE GOVERNMENT CODE, THE OPERATOR HAS --
17 OF THE PROPOSED FACILITY HAS SUBMITTED THE APPROPRIATE
18 DOCUMENTS, AND THE LEA HAS MADE THE REQUIRED FINDINGS.
19 THESE FINDINGS ARE THAT THE PROPOSED PERMIT IS CONSISTENT
20 WITH THE COUNTY SOLID WASTE MANAGEMENT PLAN, THE PROPOSED
21 PERMIT HAS BEEN DETERMINED TO BE CONSISTENT WITH BOARD
22 STANDARDS, AND THE FACILITY IS DESIGNATED IN THE COUNTY
23 GENERAL PLAN.

24 STAFF HAVE REVIEWED THE PROPOSED PERMIT AND
25 SUPPORTING DOCUMENTATION AND FIND THE PERMIT'S FORM AND



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 CONTENT TO BE ACCEPTABLE.

2 IN CONCLUSION, STAFF RECOMMENDS THAT THE
3 BOARD ADOPT DETERMINATION OF CONFORMANCE NO. 89-8,
4 FINDING THE PROJECT IN CONFORMANCE WITH THE STANISLAUS
5 COUNTY SOLID WASTE MANAGEMENT PLAN, AND ADOPT SOLID WASTE
6 FACILITIES PERMIT DECISION NO. 89-15, CONCURRING IN THE
7 ISSUANCE OF SOLID WASTE FACILITIES PERMIT 50AA00012.

8 WE HAVE IN THE AUDIENCE MR. DENNIS SCHULER,
9 REPRESENTING THE LOCAL ENFORCEMENT AGENCY, AND HE WOULD
10 LIKE TO ADDRESS THE BOARD.

11 CHAIRMAN GALLAGHER: THANK YOU. MR. SCHULER.

12 MR. SCHULER: GOOD MORNING. MY NAME IS DENNIS
13 SCHULER. I'M THE PROGRAM MANAGER IN THE STANISLAUS
14 COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES, DIVISION OF
15 SOLID WASTE MANAGEMENT. I'D LIKE TO THANK CHAIRMAN
16 GALLAGHER AND THE ENTIRE BOARD FOR ALLOWING US TO COME
17 AND MAKE THIS PRESENTATION. I WOULD ALSO LIKE TO THANK
18 THEM FOR ALLOWING US TO ATTEND ON FRIDAY SO WE HAD THE
19 ABILITY TO TRAVEL JUST ONE DAY.

20 OUR COUNTY SOLID WASTE MANAGEMENT PLAN
21 IDENTIFIED SPECIFIC NEEDS TO PROVIDE ADDITIONAL WASTE
22 TRANSFER CAPACITY FOR OUR RAPIDLY GROWING COMMUNITY. THIS
23 PROJECT, THE GILTON RESOURCE RECOVERY TRANSFER FACILITY,
24 WILL BE ANOTHER COMPONENT OF OUR COUNTY'S COMPREHENSIVE
25 SOLID WASTE MANAGEMENT SYSTEM.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

barristers'
reporting service

1 THREE PRIMARY REASONS FOR DEVELOPING THIS
2 PARTICULAR PROJECT AND OTHERS LIKE IT INCLUDE THE
3 FOLLOWING: WITH THE PENDING CLOSURE OF OUR COUNTY'S MAIN
4 LANDFILL AT GEER ROAD AND THE STARTUP OF THE STANISLAUS
5 RESOURCE RECOVERY FACILITY, OUR WASTE-TO-ENERGY PLANT,
6 THE INCREASED DISTANCE TO THE POINT OF DISPOSAL MAKES
7 WASTE TRANSFER OPERATIONS AN ABSOLUTE NECESSITY FOR US.
8 WITHOUT ADEQUATE CONVENIENTLY LOCATED TRANSFER STATIONS,
9 THE COST OF WASTE COLLECTION AND HAULING WILL SKYROCKET
10 IN OUR COMMUNITY.

11 SECONDLY, NEW TRANSFER STATIONS WILL PLAY
12 AN EXCEPTIONALLY IMPORTANT ROLE IN HELPING OUR COMMUNITY
13 AND HOPEFULLY -- HELPING OUR COMMUNITY MEET AND HOPEFULLY
14 EXCEED RECYCLING GOALS, BOTH THOSE ESTABLISHED BY LAW AND
15 THOSE IDENTIFIED IN OUR COSWMP. OUR DEPARTMENT'S
16 EXPERIENCE WITH TRANSFER STATIONS HAVE SHOWN THEM TO BE A
17 CRITICAL PART OF THIS PROCESS. THIS FACILITY, ALONG WITH
18 OTHERS THAT ARE PLANNED, WILL HAVE EXTENSIVE RECYCLING
19 AND MATERIAL RECOVERY OPERATIONS.

20 A THIRD CONSIDERATION IS THE ADDITIONAL
21 WASTE CONTROL CAPABILITIES ASSOCIATED WITH TRANSFER
22 STATIONS. HAZARDOUS WASTES IMPROPERLY DELIVERED DIRECTLY
23 TO LANDFILLS HAS A MUCH GREATER CHANCE OF BEING
24 OVERLOOKED OR UNRECOGNIZED. WITH THE ADDITIONAL STEP
25 INVOLVING THE TRANSFER STATION, WASTE CAN BE SCREENED,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997



Harristers'
reporting service

1 INSPECTED, AND SEGREGATED MUCH MORE EASILY, AND THEN WE
2 CAN EFFICIENTLY PROVIDE FOR PROPER DISPOSAL OF ANY
3 HAZARDOUS MATERIALS.

4 THEREFORE, I'D LIKE TO ECHO YOUR STAFF'S
5 RECOMMENDATION AND ASK THE BOARD TO CONCUR IN THE
6 ISSUANCE OF THE PERMIT.

7 IN CLOSING, I'D LIKE TO THANK THE BOARD
8 STAFF FOR THEIR CONTINUING COOPERATION WITH OUR COUNTY,
9 THEIR EXCELLENT ADVICE, AND THEIR ABILITY TO REVIEW AND
10 PROCESS THIS PROJECT IN SUCH A TIMELY MANNER. THANKS
11 VERY MUCH. IF YOU HAVE ANY QUESTIONS, I'D BE HAPPY TO
12 ANSWER THEM.

13 CHAIRMAN GALLAGHER: ANY QUESTIONS OF MR.
14 SCHULER? MRS. BREMBERG.

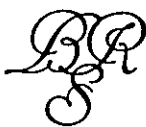
15 BOARD MEMBER BREMBERG: MR. SCHULER, AS I READ
16 THIS, I HAVE COUPLE OF QUESTIONS.

17 ON THE THIRD PARAGRAPH IN THE BACKGROUND,
18 IT SAYS, "THE TRANSFER STATION WILL OPERATE BETWEEN THE
19 HOURS OF 5 A.M. AND 10 P.M., SEVEN DAYS A WEEK." HAVE
20 YOU WITH ANY CITY PEOPLE OR ANYTHING WORKED OUT TRUCK
21 ROUTES, WORKED OUT -- I KNOW YOU'VE GOT MITIGATION NOISE
22 FACTORS TO MAINTAIN THE TRUCKS IN GOOD CONDITION. THAT
23 HAS -- IT HAS SOMETHING TO DO WITH NOISE, BUT NOT ALL.
24 THERE'S A LOT MORE NOISE THAN JUST THE MOVEMENT OF THE
25 TRUCKS. ARE THESE ROUTES PLANNED TO GO ANYWHERE NEAR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997



Harristers'
reporting service

1 RESIDENTIAL AREAS? I'M THINKING OF SATURDAYS AND SUNDAYS
2 AND AT 5 A.M. IN THE MORNING. THAT'S NOT ONE OF THE MORE
3 GRACIOUS ALARM CLOCKS.

4 MR. SCHULER: I WOULD AGREE WITH YOU. THE
5 OPERATION OF THE TRANSFER STATION RELATES TO THE FACILITY
6 ITSELF. THE ROUTING OF COLLECTION TRUCKS IS ALREADY
7 CONTROLLED THROUGH FRANCHISE AGREEMENTS BOTH WITHIN THE
8 COUNTY AND WITHIN THE CITY. THEY ARE LIMITED AS TO THE
9 TIMES THAT THEY CAN MAKE PICKUPS, BOTH IN RESIDENTIAL
10 AREAS AND WITHIN THE INDUSTRIAL OR COMMERCIAL AREAS.

11 BOARD MEMBER BREMBERG: OKAY. BUT THEN WHERE
12 ARE THE TRUCKS GOING TO COME AT 5 O'CLOCK IN THE MORNING?

13 MR. SCHULER: THE FACILITY ITSELF -- THE
14 TRANSFER STATION ITSELF WILL HAVE THE ABILITY TO BEGIN
15 LOADING TRANSFER WASTE AND TO TAKE TRANSFER TRUCKS FROM
16 THE FACILITY OUTWARD TO THE --

17 BOARD MEMBER BREMBERG: WELL, THAT'S MOTION AND
18 IT'S TRUCK TRAFFIC, AND I'M BACK TO ROUTES.

19 MR. SCHULER: OKAY. IN THAT CASE, THE FACILITY
20 ITSELF IS LOCATED IN AN INDUSTRIAL ZONED AREA. THE
21 TRAFFIC LEAVING THAT FACILITY IS ON VERY HEAVILY
22 TRAFFICKED ROADS RIGHT NOW. THEY -- THE ROUTES THAT ARE
23 SUGGESTED BY THE PROPONENT DO NOT TAKE THEM PAST
24 RESIDENTIAL ZONES, TO MY KNOWLEDGE.

25 BOARD MEMBER BREMBERG: OKAY. AND YOU HAVE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 CONCURRENCE FROM THE CITY OF MODESTO ON --

2 MR. SCHULER: YES. WE HAVE A LETTER -- A
3 RESOLUTION FROM THE CITY OF MODESTO SUPPORTING THIS
4 PARTICULAR PROJECT.

5 BOARD MEMBER BREMBERG: THANK YOU.

6 BOARD MEMBER BEAUTROW: I HAVE A QUESTION.

7 CHAIRMAN GALLAGHER: MR. BEAUTROW.

8 BOARD MEMBER BEAUTROW: THIS IS FOR CY.

9 WAS THERE A REPORT OF FACILITY INFORMATION
10 SUBMITTED?

11 MR. ARMSTRONG: YES, MR. BEAUTROW, TO THE
12 PERMITTING SECTION.

13 BOARD MEMBER BEAUTROW: WE DON'T NECESSARILY
14 INCLUDE THAT IN THE PACKET AND IT'S NOT EVEN MENTIONED,
15 BUT IT IS ON THE CHECKLIST OF THE MANY THINGS THAT --

16 MR. ARMSTRONG: YES, SIR. THIS IS SOMETHING
17 THAT DON DIER'S GROUP TAKES CARE OF. THERE WAS A TOTAL
18 PACKAGE. IN FACT, I ALWAYS HAVE TO COMPLIMENT STANISLAUS
19 COUNTY. THEY'RE PROBABLY ONE OF MOST ORGANIZED COUNTIES
20 THAT WE DEAL WITH.

21 BOARD MEMBER BEAUTROW: JUST AS A REMINDER,
22 YESTERDAY WE ADOPTED NEW GUIDELINES AND DOCUMENTS FOR
23 THESE REPORT OF FACILITY INFORMATION. AND ALTHOUGH IT'S
24 NOT TIMELY FOR THIS PARTICULAR ACTION, BUT I ASSUME THAT
25 WE'RE GOING TO GET THOSE OUT AND -- COULD IT BE SEVERAL

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 MONTHS BEFORE THAT'S TRIGGERED SO THAT THEY HAVE A NEW
2 FORMAT, AND --

3 MR. ARMSTRONG: MR. BEAUTROW, I'M GOING TO HAVE
4 TO DEFER TO CHRISTY PORTER OR DON DIER.

5 BOARD MEMBER BEAUTROW: WELL, I'LL LET THAT PASS
6 RIGHT NOW BECAUSE IT DOESN'T NECESSARILY PERTAIN TO THIS
7 ONE, BUT THANKS FOR YOUR --

8 MR. IWAHIRO: LET ME JUST QUICKLY RESPOND TO
9 THAT BECAUSE IN GENERAL THE PEOPLE -- THE LEA'S ARE
10 WORKING IN THE FORMAT OF THOSE GUIDELINES IN GENERAL
11 BECAUSE WE'VE KIND OF WORKED WITH THEM. THERE ARE SOME
12 THINGS --

13 BOARD MEMBER BEAUTROW: THEY'RE UP TO SPEED ON
14 IT?

15 MR. IWAHIRO: PRETTY MUCH. THIS WILL KIND OF
16 CEMENT IT IN, HOPEFULLY, SO THEY HAVE SOMETHING TO WORK
17 WITH. BUT, IN GENERAL, THEY ARE FAIRLY IN CONFORMANCE
18 WITH THAT.

19 CHAIRMAN GALLAGHER: MR. MOSCONE.

20 BOARD MEMBER MOSCONE: YES. WHAT OTHER
21 FACILITIES OR TRANSFER STATIONS ARE THERE IN THE COUNTY?

22 MR. SCHULER: CURRENTLY WITHIN STANISLAUS
23 COUNTY, WE HAVE A FACILITY OPERATED BY MODESTO DISPOSAL.
24 WE HAVE A FACILITY OPERATED BY A FRANCHISE COMPANY CALLED
25 TURLOCK SCAVANGER. AND WE ALSO HAVE A TEMPORARY FACILITY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 CURRENTLY OPERATING AT THE GEER ROAD LANDFILL.

2 BOARD MEMBER MOSCONE: WHAT'S THE VOLUME AT
3 MODESTO DISPOSAL?

4 MR. SCHULER: THE PERMITTED VOLUME IS 190.5 TONS
5 PER DAY. THEIR CAPACITY AND THEIR ENGINEERING DESIGN
6 ORIGINALLY STATED THEY WOULD LIKE TO MOVE UP TO AS MUCH
7 AS 600 TONS PER DAY.

8 BOARD MEMBER MOSCONE: MY EYES AREN'T -- I HAVE
9 THIS FLOORPLAN HERE, BUT I CAN PICK SOME OF THE STUFF UP,
10 BUT MOST OF IT I CAN'T. IS NOT WHAT'S-HIS-NAME CLOSE TO
11 MODESTO? WHAT'S HIS NAME, THAT SHORT GUY?

12 MR. SCHULER: MR. BONSY (PHONETIC)?

13 BOARD MEMBER MOSCONE: HE'S CLOSE TO
14 WHAT'S-HIS-NAME'S OPERATION, ISN'T HE?

15 MR. SCHULER: MR. BONSY IS AN INDUSTRIAL HAULER
16 WITHIN OUR COMMUNITY. HE HOLDS NO FRANCHISES WITHIN OUR
17 COUNTY, BUT HE DOES INDUSTRIAL HAULING. HE HAS SEVERAL
18 FACILITIES WITHIN OUR COMMUNITY, ONE FOR RECYCLING AND
19 ONE FOR HIS CORPORATION YARD. I DON'T KNOW THAT HIS
20 PARTICULAR BUSINESS IS LOCATED ANY CLOSER TO ONE FACILITY
21 OR ANOTHER.

22 BOARD MEMBER MOSCONE: I'M TRYING TO THINK OF --
23 WHAT'S THE NAME -- THE FAMILY NAME AT MODESTO.

24 MR. SCHULER: THE STOKES FAMILY?

25 BOARD MEMBER MOSCONE: STOKES, YES. AGE IS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Harristers'
reporting service

1 SHOWING. NO OTHER QUESTIONS.

2 CHAIRMAN GALLAGHER: THANK YOU, MR. SCHULER.

3 I HAVE A REQUEST FROM MR. TOM JOHNSON,
4 COUNTY COUNSEL OF STANISLAUS COUNTY. WOULD YOU LIKE TO
5 ADDRESS THE BOARD, SIR?

6 MR. JOHNSON: THANK YOU, MR. CHAIRMAN, MEMBERS
7 OF THE BOARD. I THINK MY QUESTION WAS ANSWERED. IT WAS
8 WHETHER OR NOT THIS BOARD MAKES A PRACTICE, AFTER
9 APPROVING THESE PROJECTS, OF FILING A NOTICE OF
10 DETERMINATION WITH THE OFFICE OF PLANNING AND RESEARCH
11 PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT, SECTION
12 21108. AND YOUR STAFF MEMBER, MR. SMITH, SAID, YES, THAT
13 IS DONE. AND WE JUST -- WE DIDN'T SEE THAT IN THE
14 RECOMMENDATION, AND SO WE WANTED TO MAKE SURE THAT THAT
15 PROCEDURE WAS FOLLOWED. THANK YOU.

16 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.

17 ANY MORE QUESTIONS? READY FOR THE
18 QUESTION?

19 BOARD MEMBER BEAUTROW: MOVE THE DETERMINATION
20 OF CONFORMANCE 89-8 AND SOLID WASTE FACILITIES PERMIT
21 DECISION NO. 89-15 ON PAGE 224.

22 BOARD MEMBER MOSCONE: SECOND.

23 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND
24 SECONDED THAT WE MOVE NO. 89-8 AND 89-15. ALL THOSE IN
25 FAVOR? OPPOSED? CARRIED AND SO ORDER.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

barristers'
reporting service

1 WE'RE NOW READY TO MOVE TO ITEM NO. 11.

2 MR. IWAHIRO: MR. CHAIRMAN, ITEMS NO. 11 THROUGH
3 16, I BELIEVE, ARE ALL WITHIN TRINITY COUNTY. THEY ARE
4 PERMITS FOR TRANSFER STATIONS. AND I BELIEVE STAFF, AS
5 WELL AS THE LEA -- THEY'RE ALL SIMILAR; AND SO IF YOU
6 KIND OF LOOK AT ONE OF THEM, THEY ALL WILL BE KIND OF THE
7 SAME WAY.

8 BUT I THINK NO. 16 IS SLIGHTLY DIFFERENT,
9 BUT ENCOMPASSES EVERYTHING IN THE OTHERS. SO I THINK
10 WHAT THEY'D LIKE TO DO IS LOOK AT NO. 16 AND THEN GO
11 BACK -- ITEM NO. 16, AND THEN GO BACK THROUGH AND GET THE
12 OTHERS AFTER THE FULL DISCUSSION OF THAT ITEM.

13 MR. DIER: LET ME JUST -- A LITTLE MORE ON THAT,
14 MR. CHAIRMAN. ELEVEN THROUGH 16 ARE VERY SIMILAR.
15 THEY'RE ALL SMALL VOLUME TRANSFER STATIONS IN TRINITY
16 COUNTY.

17 ITEM 16 WAS RECEIVED BY THE STAFF -- THE
18 PERMIT WAS RECEIVED ON NOVEMBER 2D OF 1988, AND THE OTHER
19 FIVE WERE RECEIVED A LITTLE LATER AS A PACKAGE. SO THERE
20 ARE A COUPLE OF CIRCUMSTANCES, A LITTLE -- TIMINGWISE,
21 THERE ARE THINGS ARE A LITTLE BIT MORE UNIQUE WITH
22 JUNCTION CITY, SO THE COUNTY HAS REQUESTED THE NO. 16 BE
23 HEARD FIRST. SO WHAT I WOULD PROPOSE IS THAT WE WILL GO
24 AHEAD AND MAKE THE STAFF PRESENTATION AND DISCUSSION WITH
25 PEOPLE IN THE AUDIENCE ON ITEM 16. AND I THINK,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



barristers'
reporting service

1 DEPENDING ON THE OUTCOME OF NO. 16, WILL PRETTY MUCH GIVE
2 A GOOD INDICATION OF WHAT THE OUTCOME OF ITEMS 11 THROUGH
3 15 WILL BE.

4 SO WITH YOUR PERMISSION, WE WILL JUST
5 PROCEED WITH 16.


6 CHAIRMAN GALLAGHER: GO RIGHT AHEAD, DON.

7 MR. DIER: ITEM 16 IS FOR A NEW PERMIT FOR THE
8 EXISTING SMALL VOLUME TRANSFER STATION IN JUNCTION CITY.
9 THIS TRANSFER STATION WAS ESTABLISHED IN 1980 WHEN THE
10 LANDFILL CLOSED. IT'S A RURAL SITE. IT'S LOCATED ON TWO
11 ACRES OF A 153-ACRE PARCEL OWNED BY THE COUNTY. THE
12 STATION CONSISTS OF SIX 10-CUBIC YARD BINS, WHICH ARE
13 LOCATED INSIDE A 2,000-SQUARE-FOOT PAVED APRON. THE SITE
14 IS USED, AS PERMITTED, AS A BURNING SITE FOR WOOD WASTE.

15 AS I MENTIONED EARLIER, THE PERMIT WAS
16 RECEIVED ON NOVEMBER 20, AND THE BOARD'S 40-DAY CLOCK
17 WOULD HAVE EXPIRED ON DECEMBER 12, 1988. HOWEVER, THE
18 LOCAL ENFORCEMENT AGENCY DID GRANT A WAIVER OF THE 40-DAY
19 REQUIREMENT IN ORDER THAT THE PERMIT COULD BE CONSIDERED
20 AT TODAY'S BOARD MEETING.

21 WITH THAT BRIEF BACKGROUND, I WILL LET JOHN
22 SMITH DISCUSS THE ISSUES RELATIVE TO CEQA AND
23 CONFORMANCE.

24 MR. SMITH: MR. CHAIRMAN AND BOARD MEMBERS,
25 AGAIN, THE COMMENTS -- I'LL REITERATE WHAT DON DIER HAS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

Harristers'
reporting service

1 SAID, THAT MY COMMENTS FOR THIS FACILITY AND THE OTHER
2 FIVE WILL BE VIRTUALLY THE SAME CONCERNING COMPLIANCE
3 WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE
4 REQUIREMENTS OF CHAPTER 4, WHICH OUTLINE THE PROCEDURES
5 THAT MUST BE FOLLOWED IN ORDER TO OBTAIN A DETERMINATION
6 OF CONFORMANCE WITH THE PLAN.

7 FIRST, RELATING TO THE ISSUE OF CEQA
8 COMPLIANCE, THE COUNTY IS THE LEAD AGENCY UNDER CEQA, HAS
9 CERTAIN RESPONSIBILITIES IN PREPARING AN ENVIRONMENTAL
10 DOCUMENT WHEN A STATE AGENCY LIKE OURS MUST LATER TAKE
11 ACTIONS ON THAT PROJECT. THE FIRST THING THE LEAD AGENCY
12 MUST DO IS IT MUST CONSULT WITH THE STATE AGENCY ON THE
13 APPROPRIATE TYPE OF ENVIRONMENTAL DOCUMENT, WHETHER THAT
14 BE A NEG DEC OR AN ENVIRONMENTAL DOCUMENT.

15 SECOND, IN ORDER TO ENSURE THAT THE
16 RESPONSIBLE AGENCY, LIKE US, AND OTHER REVIEWING STATE
17 AGENCIES HAVE AN OPPORTUNITY TO PROVIDE INPUT IN THIS
18 DOCUMENT, THE LEAD AGENCY IS OBLIGATED TO CIRCULATE THEIR
19 DRAFT OF THEIR ENVIRONMENTAL DOCUMENT THROUGH THE STATE
20 CLEARING HOUSE. THAT REVIEW ALLOWS EACH AGENCY, EACH
21 STATE AGENCY TO LOOK AT THE IMPACTS DISCUSSED AND WHETHER
22 OR NOT MITIGATION MEASURES ARE APPROPRIATE.

23 AND, FINALLY, TO ENSURE THAT THERE WILL BE
24 NO LEGAL CHALLENGE ON THE PROJECT, AND ALSO TO GIVE
25 NOTICE TO STATE AGENCIES THAT AN ENVIRONMENTAL DOCUMENT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 HAS BEEN CERTIFIED, THE LEAD AGENCY IS REQUIRED TO FILE A
2 NOTICE OF DETERMINATION WITH THE STATE CLEARING HOUSE.

3 FOR ALL SIX PROJECTS, THE LEAD AGENCY DID
4 NOT COMPLY WITH THOSE THREE REQUIREMENTS: CONSULTING
5 WITH THE RESPONSIBLE AGENCY, CIRCULATING THE DOCUMENT
6 THROUGH THE CLEARING HOUSE, AND FILING A NOTICE OF
7 DETERMINATION WITH THE STATE CLEARING HOUSE.

8 THIS WAS REQUESTED OF TRINITY COUNTY. THE
9 COUNTY CONTENDS THAT THEY DIDN'T NEED TO COMPLY WITH
10 THESE GUIDELINES BECAUSE THEY DID NOT FEEL THAT THIS
11 BOARD WAS A RESPONSIBLE AGENCY AND THAT WE DID NOT HAVE
12 DISCRETIONARY ACTS TO PERFORM ON THESE TWO ACTIONS, THE
13 DETERMINATION OF PERFORMANCE AND CONCURRENCE IN THE SOLID
14 WASTE FACILITIES PERMIT.

15 STAFF DISAGREES WITH THAT CONCLUSION.
16 STAFF FEELS THAT THIS BOARD IS CLEARLY A RESPONSIBLE
17 AGENCY, AND IT MUST HAVE AN APPROPRIATE AND COMPLETE
18 ENVIRONMENTAL DOCUMENT BEFORE IT CAN CONSIDER THESE
19 ACTIONS.

20 IN CONCLUSION, BOARD STAFF FINDS THAT THE
21 COUNTY IN PREPARING THESE DOCUMENTS HAS NOT FULLY
22 COMPLIED WITH CEQA.

23 NOW I'D LIKE TO TURN TO THE FIRST ACTION
24 BEFORE THE BOARD, THE DETERMINATION OF CONFORMANCE WITH
25 THE COUNTY PLAN. BEFORE A SITE CAN BE ESTABLISHED, THIS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 BOARD -- AND ESTABLISHED MEANS CONSTRUCTION AND
2 OPERATION -- THIS BOARD MUST MAKE A FINDING OF
3 CONFORMANCE -- A DETERMINATION OF CONFORMANCE WITH THE
4 COUNTY PLAN.

5 IN ORDER TO CONSIDER THE DETERMINATION OF
6 CONFORMANCE, THE OPERATOR OF THE FACILITY MUST FILE A
7 NOTICE OF PROPOSED FACILITY 45 DAYS IN ADVANCE OF
8 ESTABLISHING THAT SITE. LOCAL AGENCY RESPONSIBLE FOR THE
9 PLAN MUST ALSO MAKE A LOCAL FINDING OF CONFORMANCE WITH
10 THE PLAN.

11 IN THIS CASE, THE COUNTY, AS THE OPERATOR,
12 HAS NOT PROVIDED THAT NOTICE EVEN AFTER STAFF HAD
13 REQUESTED IT. THE COUNTY CONTENDED THAT THE SITES WERE
14 ALREADY EXISTING AND THERE WOULD BE NO NEED TO COMPLY
15 WITH THE REQUIREMENTS OF CHAPTER 4, WHICH SPELL OUT THE
16 PROCEDURES FOR OBTAINING A DETERMINATION OF CONFORMANCE.

17 THESE SITES WERE ESTABLISHED APPROXIMATELY
18 EIGHT YEARS AGO IN VIOLATION OF BOARD'S CHAPTER 4 AND
19 GOVERNMENT CODE SECTION 66784, WHICH PROHIBIT THE
20 ESTABLISHMENT OF SITES WITHOUT THE BOARD FIRST MAKING A
21 DETERMINATION OF CONFORMANCE.

22 BECAUSE THE COUNTY HAS NOT PROVIDED THE
23 NOTICE OF PROPOSED FACILITY, STAFF FEELS THAT THE BOARD
24 SHOULD DENY THIS FINDING OF CONFORMANCE.

25 IF THERE ARE NO QUESTIONS, I'LL TURN IT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers
reporting service

1 OVER TO DON.

2 CHAIRMAN GALLAGHER: ANY QUESTIONS OF MR. SMITH?

3 BOARD MEMBER BREMBERG: JOHN, YOU SAID THAT
4 EIGHT YEARS AGO THEY OPENED UP THESE THINGS WITHOUT
5 PERMITS AND IN VIOLATION. DIDN'T WE HAVE THE POWER TO
6 SHUT THEM DOWN THEN?

7 MR. SMITH: THIS BOARD PROBABLY COULD HAVE DONE
8 THAT, YES.

9 BOARD MEMBER BREMBERG: IT HASN'T BEEN -- OR IT
10 WASN'T THOUGHT WORTHWHILE TO BRING IT TO THE BOARD FOR
11 ENFORCEMENT AND SO FORTH IN THE PAST?

12 MR. SMITH: THE BOARD WAS WORKING WITH THE LEA
13 TO GET THOSE FACILITIES PERMITTED. FOR A WHILE THE
14 DETERMINATION OF CONFORMANCE THAT'S HELD UP BECAUSE THEIR
15 PLAN DIDN'T HAVE THE FACILITIES IN IT, BUT THAT PLAN, I
16 BELIEVE, WAS APPROVED IN 19-- THAT WAS APPROVED IN
17 1985. THAT DID INCLUDE THOSE SITES. SO A DETERMINATION
18 COULD HAVE BEEN DONE AFTER THAT IF THE OPERATOR FILED.

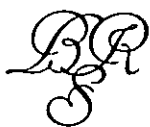
19 BOARD MEMBER BREMBERG: I SEE. I WONDER WHO
20 ANNOINTED THEM TO BE OMNIPOTENT.

21 CHAIRMAN GALLAGHER: MR. MOSCONE.

22 I HAVE --

23 MR. DIER: MR. CHAIRMAN, WE HAVE ONE MORE BIT TO
24 OFFER HERE BEFORE WE GO ON.

25 CHAIRMAN GALLAGHER: SURE.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 MR. DIER: RELATIVE TO THE PERMIT BEFORE US THIS
2 MORNING, THE OPERATOR SUBMITTED AN APPLICATION AND THE
3 APPROPRIATE REPORT OF FACILITY INFORMATION. IN THIS
4 CASE, BECAUSE IT'S A SMALL VOLUME TRANSFER STATION,
5 THAT'S A PLAN OF OPERATION. STAFF HAVE REVIEWED THESE
6 DOCUMENTS AND FIND THEM TO BE SATISFACTORY.

7 WHEN SUBMITTING THE PROPOSED PERMIT, THE
8 LOCAL ENFORCEMENT AGENCY IS REQUIRED TO MAKE THREE
9 FINDINGS PURSUANT TO THE GOVERNMENT CODE. NOW, THESE
10 FINDINGS ARE SEPARATE AND UNIQUE TO THE LOCAL ENFORCEMENT
11 AGENCY WHEN SUBMITTING THE PERMIT, AND THEY ARE UNIQUE
12 AND NOT DIRECTLY RELATED TO THE FINDINGS MADE BY THE
13 KEEPER OF THE COUNTY SOLID WASTE MANAGEMENT PLAN RELATIVE
14 TO CONFORMANCE FINDINGS.

15 THE LOCAL ENFORCEMENT AGENCY MADE THE
16 FINDING THAT THE PERMIT IS CONSISTENT WITH THE COUNTY
17 SOLID WASTE MANAGEMENT PLAN. THE LEA MADE THE FINDING
18 THAT THE FACILITY IS IN COMPLIANCE WITH STATE MINIMUM
19 STANDARDS AND THAT THE FACILITY HAS BEEN FOUND TO BE
20 CONSISTENT WITH THE TRINITY COUNTY GENERAL PLAN.

21 STAFF HAS REVIEWED THESE FINDINGS AND
22 AGREES THAT -- THE PERMIT STAFF HAS REVIEWED THESE
23 FINDINGS AND AGREES WITH THE FINDINGS OF THE LOCAL
24 ENFORCEMENT AGENCY AND HAS REVIEWED THE PERMIT AND FINDS
25 ITS FORM AND CONTENT TO BE ACCEPTABLE. HOWEVER, BECAUSE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 OF THE DEFICIENCIES NOTED BY MR. SMITH RELATIVE TO
2 ENVIRONMENTAL REVIEW AND THE FINDING OF CONFORMANCE,
3 STAFF CANNOT RECOMMEND TO THE BOARD THIS MORNING THAT
4 THEY CONCUR IN THE ISSUANCE OF THE PERMIT.

5 FOR THAT REASON, STAFF RECOMMENDS THAT THE
6 BOARD ADOPT DETERMINATION OF CONFORMANCE 89-1, FINDING
7 THE PROJECT NOT TO BE IN CONFORMANCE WITH TRINITY COUNTY
8 SOLID WASTE PLAN, AND SOLID WASTE FACILITIES PERMIT
9 DECISION 89-14, OBJECTING TO THE ISSUANCE OF PERMIT NO.
10 53AA0021.

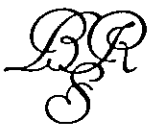
11 CHAIRMAN GALLAGHER: THANK YOU, MR. DIER. WE
12 HAVE A REQUEST FROM MS. CHERYL HAWKINS AND A MR. TOM
13 MILLER TO ADDRESS THE BOARD ON THIS ISSUE. MS. HAWKINS,
14 ARE YOU PREPARED?

15 MS. HAWKINS: SINCE THERE'S SOME QUESTION ON HOW
16 COME THESE -- IT'S TAKEN EIGHT YEARS TO GET ANY PERMITS
17 EVEN BEFORE THE BOARD, I THOUGHT I WOULD GIVE YOU A
18 LITTLE BIT OF BACKGROUND, AND THEN THE ENVIRONMENTAL
19 DOCUMENTS WOULD BE DISCUSSED BY OUR DIRECTOR.

20 BOARD MEMBER ARAKALIAN: I HEARD YOUR NAME, BUT
21 I DON'T KNOW WHO YOU REPRESENT.

22 MS. HAWKINS: I'M SORRY. TRINITY COUNTY HEALTH
23 DEPARTMENT. I AM THE LEA. I REPRESENT THE LEA.

24 BASED UPON THE OPEN DUMP INVENTORY, ALL OF
25 THE TRANSFER STATIONS BEFORE YOU REPLACED OPEN DUMPS THAT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

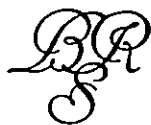
1 WERE CLOSED BASED UPON THAT INVENTORY. IN 1980, THE
2 TRINITY COUNTY HEALTH DEPARTMENT DID SUBMIT TO THE WASTE
3 MANAGEMENT BOARD PERMITS FOR ALL OF THESE SITES. AT THAT
4 TIME, THEY NEVER WERE HEARD BEFORE THE BOARD BECAUSE WE
5 DID NOT HAVE A SOLID WASTE MANAGEMENT PLAN.

6 AND IN 1984 THE BOARD TOOK ACTION AND HAD
7 THE ATTORNEY GENERAL FINALLY TELL OUR BOARD OF
8 SUPERVISORS THAT THEY HAD TO HAVE A COUNTY SOLID WASTE
9 MANAGEMENT PLAN; AND, IF NOT, YOU KNOW, HE WOULD TAKE
10 APPROPRIATE ACTION.

11 AT THAT TIME, WE THEN DID WORK ON OUR SOLID
12 WASTE MANAGEMENT PLAN AND IN 1985 ADOPTED THAT SOLID
13 WASTE MANAGEMENT PLAN. FOR THREE YEARS AFTER THAT
14 ADOPTION, WE WORKED -- AND WITH BOARD STAFF -- TO GET
15 THESE SITES PERMITTED. WE HAD SOME MAJOR PROBLEMS
16 BECAUSE OF MANAGEMENT CHANGING IN OUR PUBLIC WORKS
17 DEPARTMENT. WE FINALLY HAVE THESE FACILITIES IN
18 COMPLIANCE WITH THE MINIMUM STATE STANDARDS. AND WE NOW
19 FEEL COMFORTABLE IN BEING ABLE TO ISSUE A PERMIT.

20 BUT I WANTED TO KIND OF CLEAR THAT UP. WE
21 HAVE THREE OTHER SITES THAT ARE UNPERMITTED ALSO. AND WE
22 ARE UNDER COMPLIANCE AGREEMENTS FOR PERMITTING WITH THE
23 ENFORCEMENT SECTION. AND -- ANYWAY, I JUST WANTED TO
24 CLEAR THAT PART UP.

25 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTION OF



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Harristers'
reporting service

1 MS. HAWKINS?

2 BOARD MEMBER BREMBERG: WHERE IS TRINITY COUNTY?

3 MS. HAWKINS: TRINITY COUNTY IS -- THE COUNTY
4 SEAT IS WEAVERVILLE, WHICH IS ABOUT 50 MILES WEST OF
5 REDDING. SO IT'S BETWEEN THE VALLEY AND THE COAST.

6 BOARD MEMBER ARAKALIAN: URBAN.

7 MS. HAWKINS: VERY HIGH POPULATION. THERE'S
8 13,000 PEOPLE IN THE ENTIRE COUNTY -- OH, EXCUSE ME.

9 MR. MILLER: GOOD MORNING. MY NAME IS TOM
10 MILLER. I'M THE DIRECTOR OF TRANSPORTATION AND PLANNING
11 FOR TRINITY COUNTY. THE TRANSPORTATION AGENCY IS THE
12 PUBLIC WORKS, AND IT ALSO HANDLES THE COUNTY'S SOLID
13 WASTE SYSTEM.

14 I'M GLAD YOU ASKED WHERE TRINITY COUNTY IS.
15 IT'S, I THINK, IMPORTANT FOR THE STATE BOARDS TO REALIZE
16 THE PARTICULAR GEOGRAPHICAL CONSTRAINTS AND LOCATIONAL
17 PROBLEMS THAT MANY OF THE TRULY RURAL COUNTIES HAVE.

18 TRINITY COUNTY IS ABOUT, AS CHERYL
19 DESCRIBED, 50 MILES WEST OF REDDING, DOESN'T -- IT'S
20 ABOUT 100 MILES EAST OF EUREKA ON THE COAST. IT'S A
21 COUNTY THAT HAS A VERY LOW POPULATION LEVEL; HOWEVER,
22 THAT'S DISBURSED OVER THE ENTIRE COUNTY, ALL 1300 SQUARE
23 MILES OR SO. MOST OF THE COMMUNITIES ARE THE SMALL AREAS
24 IN WHICH PEOPLE LIVE ARE ALONG RIVER SYSTEMS, HIGH
25 PLATEAU-TYPE VALLEY AREAS.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 WE HAVE NINE TRANSFER STATIONS THROUGHOUT
2 THE COUNTY. IT'S NOT UNUSUAL FOR A FOUR-HOUR DRIVE ONE
3 WAY TO PARTS OF OUR COUNTY TO GET BACK WITH THE SOLID
4 WASTE SYSTEM OR DELIVER ANY KIND OF PUBLIC SERVICES.

5 SO DUE TO OUR DISBURSED NATURE OF
6 POPULATION AND TO THE GEOGRAPHICAL CONSTRAINTS THAT WE
7 HAVE, IT'S VERY DIFFICULT TO ADMINISTER AND CONTROL ANY
8 KIND OF PUBLIC SERVICE. THAT HAS UNDOUBTEDLY LED TO SOME
9 OF THE PROBLEMS THAT WE'VE HAD OVER THE YEARS IN
10 COMPLYING WITH THE STATE SOLID WASTE MANAGEMENT BOARD
11 STIPULATIONS.

12 AS WAS INDICATED IN -- PREVIOUSLY IN 1985,
13 THE COUNTY DID ADOPT ITS MOST RECENT VERSION OF THE SOLID
14 WASTE MANAGEMENT PLAN. WE DID HAVE ONE THAT WAS A 1975
15 DOCUMENT THAT WAS PREPARED BY A CONSULTANT. IT WAS
16 GENERIC PROBABLY TO EIGHT OTHER RURAL COUNTIES IN TERMS
17 OF ITS CONTEXT. SO OUR FIRST TRUE PLAN WAS PREPARED IN
18 1985.

19 CY ARMSTRONG OF YOUR STAFF WAS VERY HELPFUL
20 IN ASSISTING US TO PREPARE THAT. AND, ACTUALLY, OUR
21 DEALINGS WITH THE SOLID WASTE MANAGEMENT BOARD, EITHER
22 WITH JACK MILLER IN YOUR COMPLIANCE SECTION AND CY
23 ARMSTRONG IN YOUR PLANNING, HAVE BEEN VERY GOOD. AND I
24 WANT TO COMMEND THOSE PEOPLE TO YOUR STAFF OR TO YOUR
25 BOARD IN PARTICULAR.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

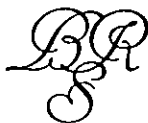
Barristers'
reporting service

1 WE ARE UNDER A COMPLIANCE AGREEMENT ON ALL
2 OF THESE TRANSFER SITES. WE'RE ALSO ON A COMPLYING
3 AGREEMENT ON OUR HANDLING OF THE SOLID WASTE LANDFILL IN
4 WEAVERVILLE.

5 THE ISSUES THAT ARE BROUGHT UP IN THE
6 REPORT, I THINK, ARE IMPORTANT TO PUT INTO CONTEXT IN
7 TRINITY COUNTY. AS IT'S ALLUDED TO OR STATED EARLIER,
8 ALL THESE FACILITIES ARE IN EXISTENCE. THEY HAVE BEEN IN
9 EXISTENCE. THESE ARE NOT PROPOSED FACILITIES. THESE ARE
10 FACILITIES ALL DESIGNATED IN OUR COUNTY SOLID WASTE
11 MANAGEMENT PLAN. AND IN THE CASE OF JUNCTION CITY, IT
12 HAS SPECIFIC ZONING AND IT WAS ALREADY -- THE
13 ENVIRONMENTAL CLEARANCE WAS DONE AS PART OF A COMMUNITY
14 PLAN PROCESS A YEAR AND A HALF AGO.

15 SO THESE FACILITIES ARE NOT PROPOSED. AND
16 IF YOU LOOK AT THE SECTIONS THAT WERE QUOTED, AT LEAST IN
17 THE LETTER THAT WAS SENT TO TRINITY COUNTY, AND WE DID
18 REVIEW THOSE SECTIONS, THE NOTICE OF PROPOSED FACILITIES
19 DOES TAKE ISSUE IN TERMS OF THE PREPARING OF THE SOLID
20 WASTE MANAGEMENT PLAN.

21 ALTHOUGH, AS YOUR STAFF INDICATED THAT THEY
22 HAD REQUESTED THE NOTICE OF PROPOSED FACILITIES, AND PART
23 OF OUR RESPONSE TO THAT, IF YOU LOOK BACK AND TO THE
24 SEPTEMBER 9TH LETTER THAT WAS GIVEN TO JOHN BELL OF YOUR
25 STAFF, IT INDICATED WHEN WE WERE GOING TO SUBMIT THESE.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 THE COMPLIANCE AGREEMENT WAS STIPULATED FOR EACH ONE OF
2 THESE TRANSFER SITES. SO DUE NOTICE WAS GIVEN TO THE
3 BOARD ON SEPTEMBER 9TH AS TO WHEN THESE PERMITS WOULD BE
4 SUBMITTED, AND THIS WAS WAY IN ADVANCE OF THE 45-DAY
5 LIMITATION THAT WAS SPOKEN TO.

6 AGAIN, ALL THESE FACILITIES HAVE BEEN
7 ASSIGNED SOLID WASTE FACILITY NUMBERS AND HAVE BEEN IN
8 EXISTENCE. THEY ARE ALSO VERY SMALL VOLUME SITES. MOST
9 OF THEM ARE 60 CUBIC YARDS AT MOST EACH DAY IN TERMS OF
10 TRASH DISPOSAL.

11 THE FINDING OF CONSISTENCY WITH THE COUNTY
12 SOLID WASTE MANAGEMENT PLAN, I FIND IT SOMEWHAT IRONIC
13 THAT YOUR STAFF INDICATES THAT, YES, THIS IS CONSISTENT.
14 EACH ONE OF THESE FACILITIES ARE CONSISTENT WITH OUR
15 PLAN, YET THEY ARE RECOMMENDING TO YOUR BOARD THAT YOU
16 NOT FIND THAT THOSE FACILITIES WERE CONSISTENT WITH THE
17 COUNTY SOLID WASTE MANAGEMENT PLAN. SO I WOULD HOPE
18 THAT YOU WOULD CONSIDER THAT FROM ONE PARTICULAR MERIT.

19 THE CONSISTENCY ISSUE WITH THE COUNTY
20 GENERAL PLAN, WE HAVE SUPPLIED YOUR STAFF IN THE LATTER
21 PART OF DECEMBER AND IN JANUARY WITH THE REQUIRED LETTERS
22 OF FINDING THAT THEY WANTED FOR THE COUNTY GENERAL PLAN
23 CONSISTENCY. SO I BELIEVE THAT ISSUE IS REALLY MOOT AT
24 THIS POINT.

25 THE CEQA CLEARANCE IS ONE THAT'S VERY



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 IMPORTANT TO TRINITY COUNTY. AGAIN, I THINK IF YOU LOOK
2 AT THE CONTEXT OF WHERE TRINITY COUNTY IS, IT'S IMPORTANT
3 THAT WE WORK WITHIN HANDLING OUR TRANSFER SYSTEMS AND OUR
4 OVERALL SOLID WASTE SYSTEM IN A WAY THAT DEALS IN A
5 REASONABLE FASHION IN TRINITY COUNTY, AS WELL AS COMPLIES
6 WITH STATE LAW.

7 THE SECTIONS UNDER THE CEQA GUIDELINES, IN
8 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, DO GUIDE THE
9 PREPARATION OF ENVIRONMENTAL DOCUMENTS, AND THEY DO
10 INDICATE THAT THESE DOCUMENTS NEED TO BE CIRCULATED
11 THROUGH RESPONSIBLE AND APPROPRIATE AGENCIES.

12 TRINITY COUNTY, AS THE LEAD AGENCY UNDER
13 THE PLANNING DEPARTMENT, WE PREPARED NEGATIVE
14 DECLARATIONS WITH MITIGATION MEASURES. THOSE WERE ROUTED
15 TO THE COUNTY HEALTH OFFICIAL. THEY WERE ROUTED TO THE
16 FIRE PROTECTION AGENCIES. THEY WERE ROUTED ALSO TO ANY
17 SERVICE PROVIDERS WITHIN THE AREA, INCLUDING EMERGENCY
18 RESPONDERS.

19 WHATEVER COMMENTS AND SUGGESTIONS WERE
20 BROUGHT UP BY THOSE AGENCIES WERE INCORPORATED INTO OUR
21 FINAL NEGATIVE DECLARATION AND WERE RATIFIED AS SUCH.
22 WE, ALSO IN TERMS OF PREPARING THIS DOCUMENT, FULFILLED
23 ALL THE MANDATORY PROVISIONS AS FAR AS PUBLIC NOTICE AND
24 PUBLIC HEARING, AS WELL AS IT WAS ADVERTISED IN A
25 NEWSPAPER OF COUNTYWIDE CIRCULATION.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

barristers'
reporting service

1 SO, PROCEDURALLY, WE FEEL THAT WE ARE IN
2 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.
3 YOUR STAFF OBVIOUSLY FEELS OTHERWISE. THAT'S WHY WE FEEL
4 THAT, ALTHOUGH THOSE DOCUMENTS WERE PROVIDED TO YOUR
5 STAFF, WE DON'T FIND IT NECESSARY TO CIRCULATE THOSE
6 THROUGH THE STATE CLEARING HOUSE. HAD YOUR STAFF
7 INDICATED TO US WAY BACK IN SEPTEMBER WHEN WE FIRST CAME
8 UP WITH THIS COMPLIANCE AGREEMENT THAT THEY HAD WANTED TO
9 REVIEW THE ENVIRONMENTAL DOCUMENTS AS PART OF THEIR
10 PROCESS, WE WOULD HAVE BEEN MORE THAN HAPPY TO SUPPLY
11 THOSE TO THEM IN SEQUENCE SO THEY COULD COMMENT ON THEM
12 BEFORE THEY WOULD GO TO OUR PLANNING COMMISSION.

13 IF YOU LOOK AT THE COMPLIANCE AGREEMENT
14 THAT WAS ENTERED INTO, AS WELL AS THE DATES THAT WERE
15 STIPULATED BY BOTH YOUR STAFF AND COUNTY STAFF, I THINK
16 YOU WILL FIND IT IS NOT POSSIBLE TO GO THROUGH THE STATE
17 CLEARING HOUSE ON PART OF THAT REVIEW PROCEDURE.

18 THE STATE CLEARING HOUSE IS A 30-DAY
19 REVIEW, BUT IT TAKES AT LEAST 45 DAYS TO GET THAT 30-DAY
20 REVIEW IN. YOU HAVE THE MAIL; YOU HAVE THE
21 CORRESPONDENCE THAT GOES BACK AND FORTH. IF YOU GO
22 THROUGH THE STATE CLEARING HOUSE AND YOU INCORPORATE THE
23 45-DAY REVIEW IN THERE FOR PROCEDURAL PURPOSES, YOU WILL
24 FIND THAT THE COMPLIANCE AGREEMENTS THAT WERE ENTERED
25 INTO BY YOUR STAFF WOULD NOT HAVE ALLOWED FOR THAT KIND



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 OF CIRCULATION, PLUS THE PUBLIC NOTICING, PLUS -- THEN
2 FROM THE CONCLUSION AT THE PLANNING DEPARTMENT LEVEL TO
3 THE HEALTH DEPARTMENT FOR THE ISSUANCE OF THE PERMIT SO
4 IT WOULD COME TO YOUR BOARD FOR YOUR SCHEDULING, AND THEN
5 HENCE HERE SO YOU COULD REACH WHATEVER DETERMINATION YOU
6 ARE GOING TO MAKE TODAY. THE DAYS SIMPLY DON'T ADD UP.

7 SO WE WERE, AGAIN, I THINK, FORCED BY THE
8 TERMS OF OUR COMPLIANCE AGREEMENTS TO TAKE THE AVENUE
9 THAT WE DID. AND I FEEL THAT THE AVENUE WE DID TAKE WAS
10 APPROPRIATE TO THE ENVIRONMENTAL CONCERNS. YOUR STAFF
11 HAS NOT RAISED ANY ENVIRONMENTAL CONCERNS ON ANY OF THESE
12 TRANSFER SITES. THEY'VE AGREED THAT THEY'RE ALL WITHIN
13 THE STATE MINIMUMS AND ARE PERFORMING AT STATE STANDARDS
14 AT THIS TIME.

15 TRINITY COUNTY HAS AN UNFORTUNATE HISTORY
16 PRIOR TO 1985 IN HANDLING ITS SOLID WASTE FACILITIES.
17 THE COUNTY BOARD HAS BEEN COMMITTED, THEY'VE PUT STAFF,
18 THEY'VE ALSO PUT DOLLARS INTO IMPROVING THE SYSTEM.
19 UNFORTUNATELY, WE HAVE A NUMBER OF OTHER PROBLEMS WITHIN
20 THE SOLID WASTE SYSTEM THAT ABSORBS A LOT OF OUR TIME,
21 AND IT WOULD BE OUR HOPE TODAY THAT YOU WOULD ADOPT A
22 RESOLUTION THAT WOULD CONCUR WITH THE ISSUANCE OF PERMITS
23 SO WE COULD BE IN AGREEMENT AND OPERATE THESE FACILITIES
24 UNDER THAT DIRECTION.

25 WE PREFER NOT TO REQUEST OUR LEA TO GO



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

Barristers'
reporting service

1 AHEAD AND ISSUE THE PERMIT WITHOUT YOUR CONCURRENCE.
2 WE'D RATHER HAVE YOUR CONCURRENCE WITH THE ISSUE OF THESE
3 PERMITS.

4 WITH THAT, IF THERE'S ANY QUESTIONS, I'LL
5 TRY AND ANSWER THEM.

6 CHAIRMAN GALLAGHER: YES, MR. CONHEIM.

7 ATTORNEY CONHEIM: I'D LIKE TO TRY AND PUT THIS
8 IN A LEGAL AND PROGRAMMATIC CONTEXT BECAUSE I THINK THAT
9 THE DISCUSSION IS COMPELLING ON BOTH SIDES.

10 WHAT WE HAVE HERE IS A SITUATION WHERE, IN
11 THIS CASE, STAFF HAS BEEN BOUND IN FOLLOWING THE LAW TO
12 RECOMMEND DENIAL OF EVERYTHING. AND THE REASON IS THAT
13 TRINITY COUNTY HAS PICKED AND CHOSEN THE RULES IT'S GOING
14 TO COMPLY WITH AND HAS MADE UP OTHER RULES TO COMPLY WITH
15 AND SIMPLY HAS FAILED TO COMPLY WITH THE RULES THAT APPLY
16 TO EVERY OTHER COUNTY AND EVERY OTHER FACILITY IN THE
17 STATE.

18 SO WE HAVE EXPLAINED TO YOU THAT THEY HAVE
19 FAILED TO COMPLY WITH THE NORMAL PROCEDURE REGARDING CEQA
20 CIRCULATION, WITH THE NORMAL PROCEDURE REGARDING THE
21 NOTICE OF PROPOSED FACILITIES, AND THE FINDING OF A
22 FACILITY IN COMPLIANCE WITH THE COSWMP.

23 AND THERE IS NO FACTUAL CONCERN, PERHAPS,
24 THAT THESE FACILITIES ARE NOT IN THE COSWMP OR THAT SOME
25 ENVIRONMENTAL REVIEW HASN'T BEEN DONE. BUT THIS COUNTY

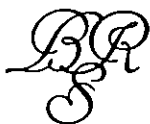
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



barristers'
reporting service

1 HAS PICKED AND CHOSEN, IF I MAY REPEAT, THE RULES THAT IT
2 WILL COMPLY WITH AND HAS DECIDED NOT TO COMPLY WITH
3 OTHERS.

4 AND IN TERMS OF THE PRECEDENT THAT THIS
5 SETS FOR OTHER COUNTIES, IT'S DIFFICULT FOR STAFF, IT'S
6 DIFFICULT FOR ME TO RECOMMEND ANYTHING OTHER THAN
7 NEGATIVE RECOMMENDATIONS UNDER THESE CIRCUMSTANCES. AND
8 THAT'S THE CONTEXT IN WHICH STAFF HAS HAD TO MAKE THIS
9 REVIEW.

10 IT PUTS US IN A DIFFICULT SITUATION WHERE
11 WE WANT TO PUT -- TO BRING TO YOU FACILITY PERMITS
12 BECAUSE IT'S ALWAYS BETTER TO HAVE FACILITIES UNDER
13 PERMIT THAN NOT TO HAVE THEM UNDER PERMIT, AND THIS HAS
14 BEEN A LONG HISTORY TRYING TO GET THESE FACILITIES UNDER
15 PERMIT. BUT WHERE THE LEA AND THE PROJECT PROPONENT
16 DON'T FOLLOW THE RULES, THAT'S THE REASON YOU'VE GOT
17 THESE NEGATIVE RECOMMENDATIONS IN FRONT OF YOU.

18 BOARD MEMBER BROWN: MR. CHAIRMAN.

19 CHAIRMAN GALLAGHER: MR. BROWN.

20 BOARD MEMBER BROWN: AS A RESIDENT MYSELF OF A
21 SMALL RURAL COUNTY, HOWEVER, LACKING MOUNTAINS WITH LOTS
22 OF FLAT LAND, AND ALSO SENSITIVE TO THE KIND OF
23 GO-IT-ALONE THINKING, IF YOU WILL PERMIT ME THAT
24 EXPRESSION, I CAN CERTAINLY SYMPATHIZE WITH TRINITY
25 COUNTY.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 HOWEVER, I ALSO RECOGNIZE AND HAVE BEEN
2 AWARE, AS A LOCALLY ELECTED OFFICIAL IN A SMALL RURAL
3 COUNTY, THAT THAT'S A REAL SNAKE PIT. AND EVENTUALLY THE
4 COST OF GOING IT ALONE OR MAKING UP YOUR OWN RULES AND
5 REGULATIONS, OR WHATEVER, IT BECOMES VERY, VERY COSTLY,
6 NOT ONLY TO THE TREASURY IN YOUR COUNTY, BUT TO THE
7 PEOPLE'S TOLERANCE TOWARD WHAT HAS HAPPENED TO THEIR
8 SYSTEM OF, IN THIS CASE, WASTE DISPOSAL.

9 SO I WANT TO BE SYMPATHETIC, AS A
10 REPRESENTATIVE ON THIS BOARD, TRYING TO PROTECT COUNTIES
11 AND TRYING TO GIVE COUNTIES THE BEST THAT WE CAN. I HAVE
12 TO PROBABLY RULE AGAINST YOU IN THIS ONE BECAUSE, FOR THE
13 LONG HAUL, I THINK I'M DOING YOU A FAVOR. I RECOGNIZE
14 THAT THIS PARTICULAR POINT YOU ARE NOT VERY HAPPY WITH
15 THAT OR WON'T BE HAPPY WITH THAT. I'M NOT SURE WHAT THE
16 REST OF BOARD WILL DO.

17 BUT I JUST WANT TO LET YOU KNOW THAT THERE
18 IS SOME SYMPATHY HERE, AND WE TRY VERY, VERY HARD TO HELP
19 ALL THE COUNTIES AND VARIOUS JURISDICTIONS THAT WE CAN.
20 BUT THE FAST-MOVING PACE OF THIS GARBAGE OR WASTE
21 BUSINESS THAT WE'RE IN AND THE SENSITIVITY THAT
22 SACRAMENTO SEEMS TO HAVE FOR IT, I WOULD SUGGEST THAT THE
23 RULES AND REGULATIONS BY WHICH MOST OF -- OR ALL THE
24 OTHER COUNTIES ARE PLAYING BY ARE REALLY, IN THE LONG
25 RUN, THE BEST WAY TO GO.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997



Harristers'
reporting service

1 CHAIRMAN GALLAGHER: THANK YOU, MR. BROWN. MR.
2 ARAKALIAN.

3 BOARD MEMBER ARAKALIAN: I NO LONGER HAVE
4 ANYTHING TO SAY. MR. BROWN SEEMS TO HAVE SAID IT FOR ME.
5 IF I'D BEEN FIRST, I'D HAVE GOT TO SAY IT.

6 CHAIRMAN GALLAGHER: I HAVE A QUESTION THAT'S
7 NOT RELATED PARTICULARLY TO THIS FACILITY PERMIT, BUT IT
8 MAY HAVE SOME EFFECT UPON IT AT SOME POINT IN TIME.

9 DO YOU HAVE MANDATORY COLLECTION OF REFUSE
10 IN TRINITY COUNTY? NO MANDATORY.

11 MR. MILLER: NO, WE DO NOT.

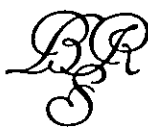
12 CHAIRMAN GALLAGHER: COULD YOU GIVE US JUST A
13 LITTLE BIT OF A DESCRIPTION OF HOW THE REQUIREMENTS OF
14 AB 2020, THE BEVERAGE REDEMPTION PROGRAM, IS HANDLED IN
15 YOUR COUNTY?

16 MR. MILLER: YES. WE HAVE ONE -- ONLY ONE, I
17 BELIEVE IT'S ONE STORE THAT HAS SUFFICIENT QUANTITIES TO
18 QUALIFY AS HAVING THE NEED OF A REDEMPTION CENTER WITHIN
19 A MILE RADIUS. THERE'S ONLY ONE SUCH AND THAT'S IN
20 WEAVERVILLE. THERE IS A BUY-BACK PROGRAM THAT IS OFFERED
21 AT A RENTAL PLACE THAT HAPPENS TO HAVE AN EXTRA SPACE TO
22 BUY BACK A FEW CANS IN THE AREA. IT'S VERY LIMITED
23 RECYCLING. COUNTY'S MADE ATTEMPTS AT PROMOTING
24 RECYCLING; BUT JUST DO THE HAUL DISTANCE, IT'S MET WITH
25 VERY LITTLE SUCCESS.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 CHAIRMAN GALLAGHER: DO YOU CONDUCT ANY KIND OF
2 A REVIEW OR ANY KIND OF A SEPARATION SYSTEM AT THESE
3 TRANSFER STATIONS TO TRY TO RETRIEVE BEVERAGE OR OTHER
4 CONTAINERS THAT MIGHT HAVE RECYCLING VALUE?

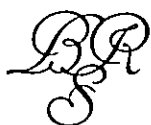
5 MR. MILLER: YES, IN A MANNER. LET ME KIND OF
6 GIVE YOU A LITTLE BIT BETTER FLAVOR FOR HOW THE TRANSFER
7 SITES ARE HANDLED. AS MENTIONED, THESE WERE PREVIOUS
8 WASTE-TO-ENERGY SITES. THEY WERE BURN DUMPS PRIOR TO
9 1979. AT THE TIME OF THE CONVERSION, THE TRANSFER SITES,
10 THEY WERE UNATTENDED FOR A NUMBER OF YEARS BECAUSE EACH
11 ONE SERVES A POPULATION BASE OF PROBABLY AN AVERAGE OF
12 500 PEOPLE, AND EVERYBODY KNOWS EACH OTHER, AND IT WAS
13 VERY OBVIOUS THAT SOMETHING WAS GOING WRONG WITH WHO DID
14 IT.

15 IN THE LAST YEAR AND A HALF, WE HAVE GONE
16 TO ATTENDED SITES. IT'S NOT -- IT'S A CONTRACT EMPLOYEE;
17 IT'S NOT A COUNTY EMPLOYEE. IT'S SOMEBODY WHO EVERYBODY
18 KNOWS. WHEN THEY TAKE THEIR GARBAGE IN THERE, HE HAS A
19 CAN AVAILABLE FOR ALUMINUM. MY GUESS IS THAT ON THE
20 RECYCLABLE GOODS THAT HAVE ANY DOLLAR VALUE ON THEM,
21 PROBABLY GET A HIGHER PERCENTAGE THAN ANY KIND OF
22 FORMALIZED SYSTEM WOULD WORK JUST BECAUSE IT'S MORE OF A
23 GOOD NEIGHBOR PROGRAM. AND SO IT'S AN INFORMAL PROCESS,
24 AND THERE IS RECYCLING, BUT IT'S NOT IN THE CLASSICAL
25 SENSE. AND I THINK IT IS FAIRLY EFFECTIVE GIVEN OUR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Harristers'
reporting service

1 GEOGRAPHICAL CONSTRAINTS.

2 CHAIRMAN GALLAGHER: THANK YOU. ONE LAST
3 QUESTION. THE LAST TIME I DROVE THROUGH THE TRINITY
4 ALPS, THERE WEREN'T VERY MANY CURBS. I TAKE IT THAT
5 MANDATORY CURBSIDE SEPARATION WOULD BE RATHER DIFFICULT
6 FOR YOU TO IMPLEMENT?

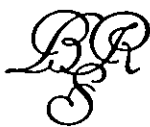
7 MR. MILLER: IT WOULD BE EXTREMELY DIFFICULT.

8 BOARD MEMBER ARAKALIAN: CALL IT WAYSIDE.

9 MR. MILLER: ACTUALLY, MANY OF THE RULES THAT WE
10 HAVE TO ADDRESS OR THE ISSUES THAT WE HAVE TO ADDRESS
11 WITH EITHER HOUSING AND COMMUNITY DEVELOPMENT OR THE
12 STATE'S SOLID WASTE MANAGEMENT BOARD, THEY JUST DON'T FIT
13 TRINITY COUNTY. AND THAT MAKES IT MORE DIFFICULT TRYING
14 TO GET -- TAKING CARE OF THE REAL SERVICE, WHICH IS
15 TAKING CARE OF SOLID WASTE IN THIS PARTICULAR ONE.

16 ONE -- IF I COULD JUST ADD A -- RESPOND TO
17 SOMETHING THAT WAS SAID EARLIER, I WOULD APPRECIATE THE
18 TIME. DEALING ON THE ENVIRONMENTAL CLEARANCE, IT IS NOT
19 THAT TRINITY COUNTY HAS ARBITRARILY MADE UP ITS OWN
20 RULES. WE DO HAVE OUR OWN COUNTY GUIDELINES, AND WE DO
21 FULFILL THOSE, AND WE DO GO THROUGH THE REVIEW PROCESS,
22 AND WE DO CONTACT ALL THE AGENCIES THAT ARE INVOLVED.
23 AND THEY DO SUBMIT SUBSTANTIAL COMMENTS, AND WE DO ABIDE
24 BY THOSE.

25 I JUST WANT TO MAKE THAT CLEAR, THAT THIS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 IS MORE OF AN ISSUE OF WHO ISSUES A PERMIT. OUR LOCAL
2 ENFORCEMENT AGENT IS A PERMITTING AUTHORITY. AND UNDER
3 THE CALIFORNIA GUIDELINES, A RESPONSIBLE AGENCY IS THAT
4 AGENCY WHICH ISSUES A PERMIT. AND SO THAT'S WHERE THE
5 DEGREE OF DIFFERENCE BETWEEN THE ENVIRONMENTAL CLEARANCE
6 BY YOUR STAFF AND COUNTY STAFF LIES IS THAT, YES, WE HAVE
7 INVOLVED THE RESPONSIBLE AGENCY IN OUR ENVIRONMENTAL
8 CLEARANCE.

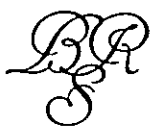
9 WE UNDERSTAND THE BOARD'S ROLE HERE IS IN
10 CONCURRING; AND IF THE BOARD CHOOSES NOT TO CONCUR, WE
11 CAN STILL GET THE PERMIT. THAT'S GOING TO BE UP TO OUR
12 LOCAL ENFORCEMENT AGENCY. BUT THAT IS KIND OF THE CRUX
13 OF THE MATTER, THE RESPONSIBLE AGENCIES VERSUS THE LEAD
14 AGENCY. WE KNOW WHO THE RESPONSIBLE AGENCIES ARE, AND
15 THEY WERE INVOLVED IN THAT DEGREE OF REVIEW AND THEY GAVE
16 US COMMENTS. THANK YOU.

17 CHAIRMAN GALLAGHER: THANK YOU, MR. MILLER. MS.
18 BREMBERG HAS A QUESTION OF YOU, I BELIEVE, OR IS IT OF
19 STAFF?

20 BOARD MEMBER BREMBERG: NO, IT'S OF MR. MILLER.
21 DO YOU HAVE INCORPORATED CITIES IN YOUR COUNTY?

22 MR. MILLER: NO, WE DO NOT. ACTUALLY, WE HAVE
23 ABOUT THREE MILES OF CURBS, NO INCORPORATED CITIES, NO
24 STREETLIGHTS.

25 BOARD MEMBER BREMBERG: WELL, I UNDERSTAND WHAT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 YOU PERCEIVE TO BE YOUR UNIQUE PROBLEM, BUT ONE OF THE
2 FIRST PROBLEMS THAT I FACED AS A NEW BOARD MEMBER WAS
3 MARIPOSA COUNTY. AND I WOULD LIKE TO SUGGEST THAT THEIR
4 PROBLEMS ARE CONSIDERABLY BIGGER, MORE COMPLEX, AND MORE
5 DIFFICULT TO RESOLVE THAN YOUR PROBLEMS ARE, AND YET THEY
6 COMPLIED WITH EVERY RULE. THEY DIDN'T TAKE IT UPON
7 THEMSELVES TO DETERMINE AND PASS JUDGMENT ON STATE LAW
8 AND COMPLIANCE WITH IT. AND WHEREAS I MAY HAVE SYMPATHY
9 WITH YOUR PERCEIVED PROBLEM, I WOULD LIKE TO SUGGEST THAT
10 YOU GENERATED A REAL PROBLEM BY YOUR ARBITRARY ACTION.

11 CHAIRMAN GALLAGHER: THANK YOU. QUESTION OF
12 STAFF NOW PROCEDURALLY -- OH, CONHEIM.

13 ATTORNEY CONHEIM: OH. OH. I'VE BEEN CALLED A
14 LOT OF THINGS.

15 YOU MAY BE GETTING TO WHAT I WAS GOING TO
16 SAY. THE GENTLEMAN JUST MADE A STATEMENT OF LAW, AGAIN,
17 INTERPRETING AND MAKING UP A RULE THAT I'M GOING TO HAVE
18 TO ADVISE YOU I DISAGREE WITH. AND THIS IS HEADED IN A
19 DIRECTION TO DEMONSTRATE THAT THIS AGENCY IS NOT A
20 RESPONSIBLE AGENCY FOR WHATEVER PURPOSE. AND AS A
21 CONCLUSION OF LAW, I DISAGREE WITH THAT. I'M GOING TO
22 ADVISE YOU THAT WE ARE. AND I'M GOING TO ADVISE YOU THAT
23 WHATEVER PERMIT THEY ISSUE WITHOUT OUR CONCURRENCE IS A
24 SHAM.

25 AND THE REST OF IT, I CAN -- AT WHATEVER



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 POINT YOU WANT TO TALK ABOUT OPTIONS, WE CAN EITHER DO
2 THAT PUBLICLY OR IN CLOSED SESSION BECAUSE I'M GOING TO
3 TALK TO YOU ABOUT LITIGATION IF YOU WANT ME TO. AND --
4 BUT I DON'T MIND DOING IT OPEN OR CLOSED BECAUSE IT'S
5 REAL CLEAR TO ME WHAT IS GOING ON HERE.

6 CHAIRMAN GALLAGHER: THANK YOU, MR. CONHEIM.

7 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

8 CHAIRMAN GALLAGHER: MR. MOSCONE.

9 BOARD MEMBER MOSCONE: MR. MILLER, I WOULD LIKE
10 TO TELL YOU THAT I FEEL FOR YOU AND I SOMETIMES WONDER
11 ABOUT ALL THE CEQA STUFF AND WHETHER CEQA EVER PAYS ANY
12 ATTENTION TO IT OR WHATEVER. BUT DESPITE THAT, THIS IS
13 SOMETHING THAT WE HAVE TO DO; AND I WOULD LIKE TO TELL
14 YOU THAT, BECAUSE OF THIS VERY REQUIREMENT, ON MORE THAN
15 ONE OCCASION, WE HAVE HAD THIS ROOM FULL WITH PEOPLE
16 OBJECTING BECAUSE SOME CITIES AND/OR COUNTIES, THEY FELT,
17 DID NOT GO THROUGH THE PROPER CEQA PROCESS. AND I DON'T
18 THINK THIS BOARD SHOULD SUBJECT ITSELF TO ANYTHING LIKE
19 THAT IF IT CAN AVOID IT. SO I THINK, AT LEAST, IT'S
20 THAT A QUESTION OF THAT WE HAVE TO GO BY THE BOOK.

21 CHAIRMAN GALLAGHER: THANK YOU, MR. MOSCONE.
22 QUESTION OF STAFF. IF I UNDERSTAND IT CORRECTLY, IF WE
23 TAKE A VOTE ON THIS ITEM 16 WHICH WAS ARGUED, ARE WE THEN
24 GOING TO SOLVE ALL OF ITEMS 10, 11, 12, 13, 14, 15, AND
25 16, OR DO YOU HAVE TO HEAR ARGUMENTS ON EACH ONE OF THEM

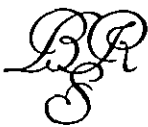
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers
reporting service

1 INDIVIDUALLY?

2 MR. SMITH: THE SAME ARGUMENTS. THE SITES ARE
3 ALMOST IDENTICAL. THE SAME ISSUES.

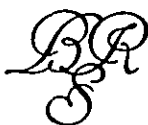
4 CHAIRMAN GALLAGHER: MR. CONHEIM.

5 ATTORNEY CONHEIM: THE ISSUES ARE THE SAME;
6 HOWEVER, WE PRESENTED THE ITEM 16, AND I THINK, FOR THE
7 RECORD, YOU OUGHT TO, AT LEAST, OPEN THE OTHER ITEMS SO
8 THAT YOUR VOTE COVERS ALL OF THE ITEMS. ONE VOTE CAN DO
9 IT ALL.

10 AND I WOULD JUST FOR THE -- TO FURTHER THE
11 DISCUSSION, BEFORE WE REALLY GET INTO A SHOOTING MATCH,
12 I'D LIKE TO ASK -- PUT OUT THE QUESTION AND ASK THE BOARD
13 TO ASK STAFF OR I'LL ASK STAFF: WHAT WOULD IT TAKE AT
14 THIS POINT FOR THE COUNTY TO COMPLY WITH -- WHAT FEW
15 ACTIONS WOULD IT TAKE FOR THE COUNTY TO COMPLY SO THAT WE
16 WOULD NOT BE PAINTING EACH OTHER INTO A CORNER?

17 AND I THINK THAT IF YOU HEAR THAT, THERE
18 ISN'T VERY MUCH THAT THE COUNTY HAS TO DO. BUT THEY'VE
19 DUG THEIR HEELS IN, BUT I'D LIKE IT, JUST ON THE RECORD,
20 WHAT DO THEY NEED TO DO TO COMPLY SO THAT WE DO NOT GET
21 OURSELVES IN THIS SITUATION?

22 MR. SMITH: WHAT WE FEEL THEY MUST DO TO COMPLY
23 WITH THE CEQA REQUIREMENTS AND THE DETERMINATION OF
24 CONFORMANCE IS THAT THE ENVIRONMENTAL DOCUMENT BE
25 RECIRCULATED THROUGH THE STATE CLEARING HOUSE, THEY THEN



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 RESPOND TO ANY COMMENTS RECEIVED ON THAT DRAFT, THEY
2 RECERTIFY THAT DOCUMENT; AFTER RECERTIFYING THAT
3 DOCUMENT, THEY FILE A NOTICE OF DETERMINATION WITH THE
4 STATE CLEARING HOUSE. CONCERNING THE DETERMINATION OF
5 CONFORMANCE, WE WILL ONLY NEED TO RECEIVE A NOTICE OF
6 PROPOSED FACILITY AND A LOCAL FINDING OF CONFORMANCE.
7 WITH THOSE THINGS, I THINK WE CAN PROCEED.

8 MR. IWAHIRO: IN TERMS OF TIME, THAT'S ABOUT --

9 MR. SMITH: WELL, PROBABLY 30 DAYS TO 45 DAYS
10 BECAUSE THEY COULD GET A SHORTENED REVIEW THROUGH THE
11 STATE CLEARING HOUSE.

12 CHAIRMAN GALLAGHER: YOU SAY IT WOULD TAKE THEM
13 30 DAYS TO TAKE CARE OF THE NECESSARY WORK?

14 MR. MILLER: COULD I SPEAK TO THAT, SIR?

15 CHAIRMAN GALLAGHER: YES.

16 MR. MILLER: YES. 30 DAYS IS THE MINIMUM TIME
17 TO GO THROUGH THE STATE CLEARING HOUSE. IN ORDER TO
18 PREPARE THE DOCUMENTS, THEY WANT US TO RECERTIFY THE
19 DOCUMENT, WHICH MEANS WE MUST HAVE A PUBLIC HEARING,
20 ADVERTISE IT 15 DAYS IN ADVANCE, SCHEDULE IT, DO ALL THE
21 NECESSARY SUPPORT WORK FOR THAT. IT'S A MINIMUM OF TWO
22 MONTHS IF WE DON'T MISS A PUBLIC HEARING BEFORE OUR
23 PLANNING COMMISSION. THREE MONTHS IS REALLY THE ADEQUATE
24 AMOUNT OF TIME TO GO BACK THROUGH THAT PROCESS.

25 SO IF YOUR BOARD IS THINKING ABOUT PERHAPS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 CONTINUING THAT AND MAKING IT CLEAR TO THE COUNTY THAT IS
2 YOUR PREFERENCE, WE WOULD NEED THREE MONTHS TO DO THAT
3 REALISTICALLY.

4 CHAIRMAN GALLAGHER: MR. MOSCONE.

5 BOARD MEMBER MOSCONE: WOULD THIS TIME FRAME PUT
6 THE COUNTY IN DEFAULT OR ANYTHING ELSE?

7 ATTORNEY CONHEIM: THEY HAVE BEEN OPERATING
8 THESE FACILITIES FOR TEN YEARS WITHOUT A PERMIT. THAT'S
9 A SEPARATE ISSUE. I THINK WE OUGHT TO FOCUS ON THIS
10 ISSUE NOW.

11 BOARD MEMBER MOSCONE: WE'RE ESTABLISHING --
12 WE'RE MAKING THESE LEGAL.

13 ATTORNEY CONHEIM: WE HAVE BEEN TRYING FOR, I
14 DON'T KNOW, SEVEN, EIGHT YEARS TO MAKE THESE -- SINCE WE
15 DISCOVERED THEM. I DON'T KNOW HOW MANY YEARS THE BOARD
16 STAFF HAS ACTUALLY BEEN PAYING ATTENTION TO THEM, BUT FOR
17 A NUMBER OF YEARS, TRYING TO MAKE THEM LEGAL, AND WE'RE
18 RIGHT AT THE END OF THIS PROCESS. AND THAT'S, I THINK,
19 WHERE WE OUGHT TO BE FOCUSING OUR ATTENTION AND ADVICE TO
20 YOU.

21 CHAIRMAN GALLAGHER: THANK YOU. YES, MR.
22 ARAKALIAN.

23 BOARD MEMBER ARAKALIAN: IF WE ARE, AS MR.
24 CONHEIM WAS, GIVING THEM ALTERNATIVES OR SUGGESTIONS OF A
25 COUPLE OF THINGS THEY CAN DO TO CONFORM, I WOULD SAY IF

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 WE WANT THEM TO CONFORM, WHICH WE DO, AND WE'RE GIVING
2 THEM AN OPPORTUNITY TO, THE LEAST WE CAN DO IS NOT
3 NIT-PICK AT A MONTH, MORE OR LESS, AND GIVE THEM, WITHIN
4 A REASON, A TIME THAT THEY FEEL THEY CAN LIVE WITH SO
5 THAT IF THEY DON'T DO IT, WE CAN AT LEAST SAY TO THEM,
6 "YOU SUGGESTED THE TIME, THEN YOU LIVE BY IT."

7 WHEREAS, IF WE PUT THEM IN A BOX, WHAT'S
8 THE GOOD OF GIVING THE GUY AN OUT IF YOU PUT HIM IN A BOX
9 WHERE HE CANT' TAKE ADVANTAGE OF THE OUT: SINCE OUR
10 INTENT IS TO GET THEM TO CONFORM, NIT-PICKING WHETHER
11 IT'S 30 DAYS OR 60 DAYS OR WHATEVER THEY'RE SUGGESTING, I
12 DON'T THINK THAT SHOULD BE THE BIG ISSUE. WE SHOULD --
13 IF WE'RE GOING TO GIVE IT, GIVE IT TO THEM IN A FAIR AND
14 SQUARE WAY.

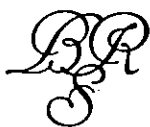
15 CHAIRMAN GALLAGHER: IS THERE ANY OBJECTION TO
16 THAT FROM STAFF'S POINT OF VIEW?

17 MR. SMITH: NO, NO OBJECTION.

18 CHAIRMAN GALLAGHER: WHAT ARE YOU SUGGESTING AS
19 A FAIR TIME, MR. CONHEIM?

20 ATTORNEY CONHEIM: MR. CHAIRMAN AND MEMBERS, WE
21 CAN SUGGEST A FAIR TIME, BUT I THINK WE NEED TO GET AT
22 LEAST A STATEMENT HERE ON THE RECORD, AND THEN I WOULD
23 WANT TO BACK IT UP IN WRITING AND MAYBE BETWEEN ME AND
24 THEIR COUNTY COUNSEL AS TO WHETHER THEY'RE WILLING TO
25 COMPLY IN ANY AMOUNT OF TIME. I HAVEN'T HEARD THEIR

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 WILLINGNESS TO DO THAT YET. :

2 BECAUSE IF THEY'RE NOT WILLING TO THAT,
3 THEN I THINK WE NEED TO KNOW THAT TODAY AND YOU NEED TO
4 TAKE YOUR ACTION. I RECOMMEND YOU TAKE YOUR ACTION. BUT
5 IF THEY ARE WILLING TO COMPLY, THEN I THINK WE OUGHT TO
6 GIVE THEM ONE MORE CHANCE TO COMPLY IN A REASONABLE TIME
7 FRAME, AND I WOULD BE WILLING MEMORIALIZE THAT IN A
8 LETTER TO THE COUNTY COUNSEL AND TO THE BOARD OF
9 SUPERVISORS, BUT I THINK WE NEED TO HEAR -- I THINK WE
10 NEED TO ASK THE COUNTY STAFF WHAT THEIR DRUTHERS ARE.

11 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

12 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

13 BOARD MEMBER BREMBERG: I DON'T -- I PERSONALLY
14 DON'T SEE ANY REASON FOR GIVING THEM ANY MORE TIME.
15 TODAY IS THE DETERMINING DAY. WE'VE GOT ALL OF THESE
16 PROJECTS. THEY'VE ALL BEEN ILLEGALLY OPERATED. THEY
17 HAVE EXPRESSED AN ARROGANCE OF THE LAW, OF A WILLINGNESS
18 TO COMPLY TO THE RULES. I REPEAT, THEIR PROBLEM IS NOT
19 UNIQUE TO TRINITY COUNTY. THEY THINK IT IS BECAUSE THEY
20 LIVE THERE.

21 IT IS NOT ANY MORE UNIQUE THAN KINGS COUNTY
22 OR THE PROBLEMS FACING L.A. COUNTY. I DON'T SEE ANY
23 REASON WHY THEY SHOULD BE GIVEN ANOTHER CHANCE TO FLAUNT
24 THEIR UNWILLINGNESS TO ACCEPT THE LAW AS WRITTEN AGAIN
25 AND COME BACK WITH ANOTHER SAD STORY OR THE SAME STORY,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997



Harristers
reporting service

1 SECOND VERSE, THIRD VERSE, FOURTH VERSE, FIFTH VERSE. I
2 THINK WE SHOULD DENY ALL THESE AND THEN LET THE ACTION
3 PROCEED ACCORDING TO LAW.

4 THEY KNOW WHAT THE TIME FRAME IS. THEY
5 KNEW IT TEN YEARS AGO. THEY KNEW WHAT THE RULES WERE.
6 THEY KNEW IT BACK IN NOVEMBER. THEY'VE HAD SINCE
7 NOVEMBER, WHICH GAVE THEM THE 90 DAYS OR THE 120 DAYS
8 THAT THEY NEEDED TO CONFORM. THEY'RE CERTAINLY NOT
9 IGNORANT OF THE RULES. THEY HAVE BEEN INFORMED; THEY
10 HAVE NOT CONFORMED.

11 CHAIRMAN GALLAGHER: THANK YOU, MS. BREMBERG.
12 MR. MOSCONE.

13 BOARD MEMBER MOSCONE: NO, I'M SORRY, MR.
14 CHAIRMAN.

15 CHAIRMAN GALLAGHER: I WAS GOING TO SUGGEST A
16 COURSE OF ACTION, MR. CONHEIM. I HAVE A RATHER MIXED-UP
17 PACKET IN FRONT OF ME, AND I CANNOT QUICKLY IDENTIFY THE
18 RESOLUTION NUMBERS. IS IT POSSIBLE THAT YOU CAN QUICKLY
19 BRING THEM ALL TOGETHER, AND LET'S HAVE ONE VOTE DENYING
20 ALL OF THEM OR APPROVING ALL OF THEM?

21 MR. DIER: YES, MR. CHAIRMAN.

22 THE DETERMINATIONS OF CONFORMANCE ARE
23 NUMBERED -- WELL, FOR ITEMS 11 THROUGH 16, THEY INCLUDE
24 THE SERIES 89-1 THROUGH 89-6. THE PERMIT DECISION
25 NUMBERS RANGE FROM DECISION NO. 89-9 TO 89-14. THOSE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Harristers'
reporting service

1 INCLUDE BIG BAR TRANSFER STATION, HYAMPOM TRANSFER
2 STATION, BURNT RANCH TRANSFER STATION, HOBEL TRANSFER
3 STATION, VAN DUZEN TRANSFER STATION, AND JUNCTION CITY
4 TRANSFER STATION.

5 CHAIRMAN GALLAGHER: THANK YOU. MR. ARAKALIAN.

6 BOARD MEMBER ARAKALIAN: I THINK, SINCE THERE
7 ARE ONLY TWO PEOPLE THERE WHO ARE SPEAKING ON THIS
8 SUBJECT AND WE'VE PRETTY WELL HASHED IT OUT, I'D LIKE TO
9 MAKE A MOTION THAT WE SET IT ASIDE AND GIVE THEM THE
10 TIME, WITH THE ALTERNATIVES SUGGESTED BY MR. CONHEIM, IF
11 POSSIBLE -- IF THAT'S POSSIBLE. IF I'M IN LINE, IF WHAT
12 I'M SAYING IS RIGHT. AND THERE'S NO SENSE GETTING MAD
13 ABOUT IT. LET YOU TRY AGAIN BECAUSE WHAT ALTERNATIVE DO
14 WE REALLY HAVE? I MEAN, YOU CAN'T GO AROUND KILLING
15 PEOPLE FOR THINGS. SO GIVE THEM A SHOT. IT'S GONE THIS
16 LONG. AND AS GINGER SAYS, AND I DON'T DISAGREE WITH HER
17 THAT THEY'VE GONE ALL THESE YEARS. IF THEY'VE GONE ALL
18 THESE YEARS, I JUST DON'T THINK WE'RE ALL GOING TO
19 EXPLODE IN ANOTHER COUPLE OF MONTHS. LET'S GIVE THEM
20 THIS TIME, IF POSSIBLE, BY SETTING THIS ASIDE.

21 IS THAT A FORM OF A MOTION OF SOME SORT?

22 CHAIRMAN GALLAGHER: WELL, I WAS GOING TO ASK A
23 QUESTION OF COUNSEL IN THAT REGARD. IF WE DENY THEM
24 TODAY, WE START A TIME CLOCK RUNNING AND GIVE YOU THE
25 OPPORTUNITY TO ESTABLISH WITH COUNTY COUNSEL WHEN THEY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 MAY OR MAY NOT COME BACK TO US; RIGHT? IF WE DON'T DO
2 THAT, AND WE ASK THAT THE AGENDA ITEM BE PUT OVER TO
3 ANOTHER MEETING, THEN WE FIND OURSELVES IN THE POSITION,
4 IF THEY'RE NOT IN COMPLIANCE BY THAT TIME, THE THING
5 STARTS ALL OVER AGAIN; IS THAT CORRECT?

6 ATTORNEY CONHEIM: MR. CHAIRMAN, I DON'T SEE IT
7 THAT WAY. I SEE A PROBLEM OCCURRING IF YOU REALLY DO
8 INTEND TO ALLOW STAFF AND ME TO WORK WITH THE COUNTY. I
9 SEE A PROBLEM OCCURRING IF YOU DENY BECAUSE I THINK THAT
10 THROWS US INTO AN OPTION WHERE I'VE GOT TO RECOMMEND --
11 IF YOU DENY THESE PERMITS, I'VE GOT TO RECOMMEND SOME
12 FURTHER ACTION APART FROM WHAT I SUGGESTED, AG
13 INVOLVEMENT, ETC.

14 IF YOU PUT THEM OVER, CONTINUE THE ITEMS,
15 AND, AGAIN, ONLY IN THE CONTEXT -- AND I STILL HAVEN'T
16 HEARD IT -- OF THE COUNTY'S MAKING A STATEMENT THAT
17 THEY'RE WILLING TO COMPLY WITH THESE THINGS, THEN I THINK
18 WE HAVE SOME ROOM FOR MOVEMENT. I'M NOT SURE WHAT
19 DENYING THEM ACCOMPLISHES IF I'M GOING TO WORK WITH THEM
20 ANYWAY, BUT I CAN DO IT EITHER WAY. I CAN DO IT EITHER
21 WAY, BUT I PREFER NOT TO DENY THEM BECAUSE I THINK WHAT
22 HAPPENS IS I THROW A GLOP OF MUD AT THEM AND THEY START
23 THROWING IT BACK AT ME.

24 BOARD MEMBER BREMBERG: THEY ALREADY HAVE.

25 ATTORNEY CONHEIM: I CAN TURN THE OTHER CHEEK,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997



barristers'
reporting service

1 YOU KNOW, ON BEHALF OF THE BOARD. BUT I'LL DO WHAT YOU
2 WANT TO DO. I THINK IT WOULD BE A LITTLE EASIER, GIVE ME
3 SOME MORE ROOM FOR MOVEMENT. IF THEY WERE WILLING -- IF
4 THEY MADE A STATEMENT OF WILLINGNESS TO COMPLY WITH THE
5 THINGS THAT JOHN SMITH AND DON DIER HAVE TALKED ABOUT AND
6 THEY WERE ALSO WILLING TO ALLOW US -- WILLING TO
7 WITHDRAW THESE PERMITS AND ALLOW THEM TO BE CONTINUED FOR
8 A PERIOD NOT TO EXCEED 90 DAYS.

9 CHAIRMAN GALLAGHER: LET ME THEN ASK A QUESTION
10 OF MS. HAWKINS AND MR. MILLER. DO YOU HAVE THE AUTHORITY
11 IN YOUR JOBS TO MAKE SUCH A COMMITMENT FOR TRINITY
12 COUNTY?

13 MR. MILLER: IN TERMS OF CORRECTING WHAT THE
14 STAFF INDICATES ARE DEFICIENCIES IN THE PERMITS? THOSE
15 ARE CORRECTABLE ITEMS. AND IF YOUR BOARD DOES CONTINUE
16 IT, I'LL GUARANTEE THAT THEY WILL BE BACK WITHIN THE TIME
17 FRAME STATED.

18 BOARD MEMBER ARAKALIAN: HOW MUCH TIME DID YOU
19 SAY WAS NEEDED?

20 MR. MILLER: REALISTICALLY, IT IS 90 DAYS.

21 BOARD MEMBER ARAKALIAN: REALISTICALLY?

22 MR. MILLER: IT IS. I'M NOT TRYING TO SHAVE AN
23 EXTRA MONTH.

24 BOARD MEMBER ARAKALIAN: WHAT DO YOU REALLY
25 THINK YOU NEED?



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 MR. MILLER: I'D HATE TO COME BACK IN 60 DAYS
2 AND ASK FOR ANOTHER TWO WEEKS.

3 BOARD MEMBER ARAKALIAN: YOU THINK YOU'RE GOING
4 TO COME BACK IN 60 DAYS AND ASK FOR TWO WEEKS?

5 MR. MILLER: NO, I DON'T WANT TO DO THAT.
6 THAT'S WHY I FEEL THE 90 DAYS IS REALLY THE ADEQUATE
7 TIME.

8 CHAIRMAN GALLAGHER: MR. CONHEIM.

9 ATTORNEY CONHEIM: THE GENTLEMAN MADE A
10 STATEMENT ABOUT WHAT HE CONSIDERED TO BE THE REAL ISSUE;
11 THAT IS -- HE MADE AN ISSUE STATEMENT, BUT I THINK BEHIND
12 IT WAS A REAL STATEMENT THAT SOMEBODY'S TAKEN A POSITION
13 THAT THEY ISSUED A PERMIT THAT WE'RE NOT A RESPONSIBLE
14 AGENCY.

15 NOW, I WANT TO KNOW WHETHER, IN THE FACE OF
16 THAT ISSUE, AND I THINK IT'S A REAL ISSUE THAT'S ROLLING
17 AROUND THE LEA ADVISORY COMMITTEE, WHETHER THEY ARE
18 ACTUALLY WILLING TO DO WHAT WE HAVE ASKED THEM TO DO. HE
19 HAS TOLD ME THAT THEY CAN DO IT, BUT I WANT TO KNOW
20 WHETHER HE WILL DO IT. AND THEN -- BECAUSE IF HE CAN'T
21 SAY THAT, THEN I'M GOING TO SAY GO AHEAD AND DENY AND
22 THEN WE'LL JUST ROLL IT THE OTHER WAY.

23 CHAIRMAN GALLAGHER: YOU HEARD THE QUESTION.

24 MR. MILLER: WELL, I THOUGHT I DID ANSWER IT
25 FAIRLY CLEARLY. I SAID IF THOSE PERMITS WOULD BE BACK

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 BEFORE YOU, AND WE WOULD COMPLY WITH THE REQUESTED
2 ROUTING AND THE OTHER ITEMS THAT HAVE BEEN BROUGHT UP.

3 ATTORNEY CONHEIM: FINE. I JUST WANTED IT VERY
4 CLEAR. I DIDN'T UNDERSTAND IT, AND I'M NOT BEING
5 CONTENTIOUS, BUT I JUST WANTED TO MAKE SURE THAT WE WERE
6 FULLY COMMUNICATING ON THIS SUBJECT.

7 CHAIRMAN GALLAGHER: NOW, MR. ARAKALIAN, WAS
8 YOUR MOTION TO PUT THESE ITEMS OVER AND GIVE THEM THE
9 REQUIRED 90 --

10 BOARD MEMBER ARAKALIAN: I MAKE THE MOTION THAT
11 WE PUT THIS OVER FOR 90 DAYS AND GIVE THEM TIME TO
12 CONFORM WITH THE POINTS THAT MR. CONHEIM BROUGHT UP THAT
13 WERE NECESSARY FOR THEM TO CONFORM.

14 BOARD MEMBER MOSCONE: I TAKE IT MR. ARAKALIAN
15 IS INCLUDING ALL SIX OF THESE.

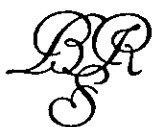
16 BOARD MEMBER ARAKALIAN: YES. YES, AS YOU SAID,
17 SINCE THEY'RE ALL SIMILAR OR THE SAME, NO. 7, 8, 9, 10,
18 13, AND 27 OR WHATEVER THAT MAY BE.

19 CHAIRMAN GALLAGHER: WE HAVE A MOTION. HAVE A
20 SECOND?

21 BOARD MEMBER MOSCONE: SECOND.

22 CHAIRMAN GALLAGHER: A MOTION AND IT'S SECONDED
23 THAT -- MR. CONHEIM.

24 ATTORNEY CONHEIM: JUST ONE MORE POINT. CAN I
25 ALSO GET CLEAR FOR THE RECORD THAT THE TRANSPORTATION



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 DIRECTOR IS WILLING TO WITHDRAW THESE PERMITS AND THAT
2 THE LEA CONCURS IN THEIR WITHDRAWAL AT THIS POINT FOR
3 THAT PERIOD OF TIME. I WANT THOSE STATEMENTS ON THE
4 RECORD. I THINK IT'S CLEAR WHAT THE TRANSPORTATION
5 DIRECTOR'S INTENT IS, BUT I WANT IT -- I WANT THE -- I
6 WANT THE MECHANISM TO BE THEIR WITHDRAWAL OF THE PERMITS
7 AT THIS POINT, AND I WANT THEM TO ASSENT TO THAT.

8 CHAIRMAN GALLAGHER: WE ADDRESS THAT QUESTION TO
9 MS. HAWKINS AS THE LEA.

10 MS. HAWKINS: .YEAH, WE AGREE.

11 CHAIRMAN GALLAGHER: THEY AGREE.

12 WE HAVE A MOTION BEFORE THE BOARD, AND IT'S
13 BEEN SECONDED THAT WE WITHDRAW THIS ITEM FROM THE AGENDA,
14 PUT IT OVER FOR 90 DAYS TO GIVE THEM AN OPPORTUNITY TO GO
15 THROUGH THE PROPER PROCEDURES. ALL THOSE IN FAVOR? ALL
16 THOSE OPPOSED?

17 BOARD MEMBER ARAKALIAN. AYE.

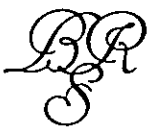
18 BOARD MEMBER MOSCONE: AYE.

19 BOARD MEMBER BREMBERG: NO.

20 BOARD MEMBER BROWN: NO.

21 CHAIRMAN GALLAGHER: I GET THE CHANCE, FOR THE
22 FIRST TIME IN A LONG WHILE, TO BREAK THE TIE. I WILL SAY
23 AYE. IT IS PUT OVER FOR 90 DAYS.

24 BEFORE WE BREAK FOR OUR MID-MORNING BREAK,
25 WE HAVE AN OPPORTUNITY TO HEAR FROM MR. DAVID LYNN



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 (PHONETIC) OF THE UNITED WAY, WHO WANTS TO MAKE A FEW
2 SHORT COMMENTS ABOUT WASTE MANAGEMENT EMPLOYEES AND THEIR
3 OUTSTANDING PERFORMANCE IN THE UNITED WAY CAMPAIGN.

4 MR. LYNN: THANK YOU, MR. CHAIRMAN. I THINK
5 THAT IN YOUR INTERACTION WITH STAFF, I DON'T KNOW THAT
6 THERE'S EVER AN OPPORTUNITY FOR PEOPLE TO COME FORWARD TO
7 LET YOU KNOW WHAT VALUABLE CITIZENS AND WHAT AN ACTIVE
8 PART THAT THEY PLAY IN THE COMMUNITY IN WHICH THEY LIVE.
9 I KNOW THAT SOME OF YOU COME FROM OTHER PARTS OF THIS
10 STATE. THESE PEOPLE LIVE HERE AND ARE MAKING A VERY
11 VALUABLE CONTRIBUTION TO THE QUALITY OF THE LIFE THAT WE
12 ENJOY IN SACRAMENTO AREA.

13 THE ANNUAL STATE EMPLOYEES CAMPAIGN IS THE
14 OPPORTUNITY FOR STATE EMPLOYEES TO SUPPORT CHARITABLE
15 GIVING, ONE OF THEIR OWN CHOICE OR WANTS TO SUPPORT THE
16 LOCAL, UNITED WAY IN THEIR COMMUNITY. THIS GROUP OF
17 EMPLOYEES HAS QUALIFIED FOR AN AWARD THAT WE CALL A
18 SILVER AWARD, WHICH RECOGNIZES A HIGH LEVEL OF, NOT ONLY
19 PARTICIPATION IN THE CAMPAIGN, BUT IN THE SIGNIFICANCE OF
20 THE SIZE OF THEIR GIFTS.

21 I THINK THAT THE CHAIRPERSON, JOELLEN
22 JACKSON, AND THE PERSON THAT SUPPORTED HER, SARA AVILA,
23 DID AN OUTSTANDING JOB. THIS GROUP OF EMPLOYEES, ABOUT
24 60 PERCENT OF THEM, PARTICIPATED AND DONATED IN EXCESS OF
25 \$7,000 TO CHARITIES THROUGH THE CAMPAIGN. AND I WOULD



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 LIKE ON BEHALF OF THE UNITED WAY, WHO MANAGES THE STATE
2 EMPLOYEES CAMPAIGN FOR THIS AREA, TO AWARD TO YOU, AND
3 THEN THE STAFF WILL FRAME AND HANG IN THE LOBBY, THE
4 SILVER CERTIFICATE.

5 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.

6 (APPLAUSE.)

7 CHAIRMAN GALLAGHER: YOU CAN ALL SEE THIS. AND,
8 MS. JACKSON, YOU WERE CHAIRMAN. WOULD YOU LIKE TO COME
9 UP AND TAKE IT FOR THE EMPLOYEES?

10 BOARD MEMBER BREMBERG: AND BRING SARA WITH YOU.
11 SHE'S IN THE BACK ROW.

12 CHAIRMAN GALLAGHER: I DIDN'T SEE SARA.

13 BOARD MEMBER BREMBERG: THERE SHE IS.

14 BOARD MEMBER ARAKALIAN: MR. CHAIRMAN, PRIOR TO
15 YOUR RECESSING OUR MEETING, MAY I MAKE ONE STATEMENT?

16 (APPLAUSE.)

17 CHAIRMAN GALLAGHER: THANK YOU, SARA, FOR ALL
18 YOUR GOOD WORK.

19 (APPLAUSE.)

20 CHAIRMAN GALLAGHER: NOW, MR. ARAKALIAN.

21 BOARD MEMBER ARAKALIAN: SINCE I THINK THE
22 TIMING IS EXCEPTIONALLY GOOD RIGHT NOW, WE'VE JUST HAD AN
23 UNPLEASANTRY, AND NOW ADD A LITTLE PLEASANTNESS TO THE
24 REST OF THE DAY AND JUST BEFORE THE BREAK SO THAT SOMEONE
25 MIGHT WANT TO PARTAKE IN THE LITTLE GOODIES. I'D LIKE TO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997



barristers'
reporting service

BEFORE THE
CALIFORNIA WASTE MANAGEMENT BOARD
FOR THE STATE OF CALIFORNIA

IN THE MATTER OF THE:)
REGULAR MONTHLY BOARD MEETING)
JANUARY 27, 1989)
-----)

DATE AND TIME: FRIDAY, JANUARY 27, 1989, 9:00 A.M.

PLACE: BOARD HEARING ROOM
1020 NINTH STREET
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, CSR
CERTIFICATE NO. 7152

Barristers' reporting service

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
TELEPHONE (714) 953-4447

1 PRESENT THIS BIRTHDAY CAKE TO OUR EXECUTIVE OFFICER
2 (HAPPY BIRTHDAY WAS SUNG TO MR. EOWAN.)
3 (APPLAUSE.)

4 BOARD MEMBER BREMBERG: OH, HE BLEW ALL THE
5 CANDLES OUT. HE GETS HIS WISH.

6 BOARD MEMBER ARAKALIAN: THOSE CANDLES EACH
7 REPRESENTED TEN YEARS, A DECADE PER CANDLE.

8 MR. PECK: LET THE RECORD SHOW THAT MR. EOWAN IS
9 40.

10 CHAIRMAN GALLAGHER: WHEN I WAS IN GRAMMAR
11 SCHOOL AND WE USED TO DO THAT, AND THEY CALLED THEM
12 GEORGIE PORGIE. DO THEY CALL YOU GEORGIE PORGIE?

13 WE'RE GOING TO RECESS THIS MEETING FOR TEN
14 MINUTES TO CHANGE PAPER IN THE RECORDER, AND WE'LL BE
15 RECONVENING AT 10:45 ON THE DOT.

16 (A BREAK WAS TAKEN.)

17 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO
18 ORDER, PLEASE.

19 WE'RE NOW READY TO PROCEED TO ITEM 21.

20 BOARD MEMBER BREMBERG: WHAT NUMBER IS THAT?

21 CHAIRMAN GALLAGHER: ITEM NO. 21. IT'S A
22 PRESENTATION AND CONSIDERATION OF DRAFT GUIDELINES FOR
23 HOUSEHOLD HAZARDOUS WASTE COLLECTION DAYS.

24 MR. OLDALL: YES, MR. CHAIRMAN, MEMBERS OF THE
25 BOARD. JUST TO REMIND THE BOARD THAT WHEN ASSEMBLYWOMAN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 TANNER HAD HER LEGISLATION, AB 1809, ONE OF THE MAJOR
2 ASPECTS OF THAT WAS THAT THE BOARD PROVIDE SOME TECHNICAL
3 ASSISTANCE TO LOCAL COMMUNITIES AS THEY GO ABOUT SETTING
4 UP THEIR HOUSEHOLD HAZARDOUS WASTE PROGRAMS. AND AS A
5 RESULT OF STAFF'S WORK, WE'RE NOW IN A POSITION TO OFFER
6 TO YOU FOR YOUR CONSIDERATION THE FIRST MAJOR COMPONENT
7 IN DEVELOPMENT OF THE BOARD'S PUBLIC INFORMATION PROGRAM
8 FOR THIS AREA OF HOUSEHOLD HAZARDOUS WASTE.

9 BEFORE WE EVEN GET INTO IT, I THINK WE
10 SHOULD POINT OUT THAT THESE GUIDELINES ARE NOT MANDATORY,
11 NOR ARE THEY ALL INCLUSIVE. AND STAFF DOES RECOGNIZE
12 THAT EACH COLLECTION EVENT WILL BE DIFFERENT JUST AS EACH
13 OF THE LOCATIONS ARE DIFFERENT. AND REALLY THE
14 GUIDELINES ARE NOTHING MORE THAN SUGGESTIONS TO BE
15 CONSIDERED BY THE LOCAL DECISION MAKERS.

16 I'M GOING TO HAVE HERB BURTON, WHO'S THE
17 MAJOR PERSON RESPONSIBLE FOR PUTTING THIS TOGETHER, WALK
18 YOU THROUGH THE ITEM. BUT I WOULD LIKE TO POINT OUT THAT
19 WHAT WE'RE SEEKING HERE IS SOME GUIDANCE FROM THE BOARD
20 AND DIRECTION. IF WE FIND IT PRETTY MUCH TO BE IN ACCORD
21 WITH WHAT YOU WANT, THEN WE WILL OBVIOUSLY GO OUT AND
22 DISTRIBUTE THE DOCUMENT. IF IT NEEDS TO COME BACK FOR
23 SOME FURTHER WORK, WE'RE LOOKING FOR THAT SORT OF
24 GUIDANCE TOO. SO WITH THAT IN MIND, PERHAPS, HERB, YOU
25 COULD CONTINUE THE ITEM.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

Barristers'
reporting service

1 CHAIRMAN GALLAGHER: BEFORE WE DO THAT, I WONDER
2 IF WE COULD HAVE SOMEBODY SEE IF THEY COULD HUSTLE UP MR.
3 ARAKALIAN. WE HAVEN'T GOT A QUORUM UP HERE.

4 MR. BURTON: GOOD MORNING, MR. CHAIRMAN AND
5 MEMBERS OF THE BOARD. AS MR. OLDALL SAID, GOVERNMENT
6 CODE SECTION 66798.3 MANDATES THE BOARD TO PROVIDE
7 TECHNICAL ASSISTANCE TO LOCAL PROGRAMS, TO LOCAL
8 GOVERNMENTS, AND OTHER AGENCIES WHICH ESTABLISH HOUSEHOLD
9 HAZARDOUS WASTE MANAGEMENT PROGRAMS.

10 AS PART OF THIS TASK, GUIDELINES FOR
11 HOUSEHOLD HAZARDOUS WASTE COLLECTION DAYS HAVE BEEN
12 DRAFTED FOR YOUR REVIEW AND COMMENT. WE'VE RESEARCHED
13 OTHER SIMILAR GUIDELINES AND VISITED VARIOUS COUNTIES
14 THAT HAVE ESTABLISHED HOUSEHOLD HAZARDOUS WASTE PROGRAMS.
15 WE'VE RECEIVED SUBSTANTIVE COMMENTS FROM THE DEPARTMENT
16 OF HEALTH SERVICES AND ASSEMBLYWOMAN TANNER'S OFFICE AND
17 INCORPORATED THEM INTO THIS DOCUMENT.

18 THE INTENT OF THE GUIDELINES AND THE
19 TECHNICAL ASSISTANCE PROGRAM AS A WHOLE IS TO PROVIDE A
20 COOKBOOK FOR SPONSORS TO ORGANIZE AND CONDUCT COLLECTION
21 DAYS AND TO PROVIDE A MEASURE OF CONSISTENCY IN THE
22 DEVELOPMENT OF COLLECTION PROGRAMS.

23 SINCE WE HAVE ANNOUNCED THIS ITEM ON THE
24 AGENDA, WE HAVE RECEIVED SEVERAL CALLS EXPRESSING
25 CONCERNS THAT THESE WILL BE MANDATORY OPERATIONAL

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 GUIDELINES, WHEN, IN FACT, THEY ARE DESIGNED MORE AS A
2 EDUCATIONAL TOOL FOR COUNTIES AND MUNICIPALITIES.

3 THE COLLECTION DAY GUIDELINES, THE GRANT
4 GUIDELINES, AND OTHER SUBSEQUENT DOCUMENTS THAT ARE
5 DEVELOPED WILL BE USED TO SUPPORT OUR PUBLIC INFORMATION
6 EFFORT. WE SEE PERIODIC COLLECTION DAYS AND THE
7 GUIDELINES DRAFTED FOR COLLECTION DAYS AS AN EDUCATIONAL
8 VEHICLE FOR EVENTUALLY ESTABLISHING A PERMANENT
9 COLLECTION PROGRAM.

10 AS I STATED EARLIER, THE GUIDELINES ARE
11 DESIGNED TO PROVIDE A TEMPLATE FOR CONSISTENCY IN NEW
12 HOUSEHOLD HAZARDOUS WASTE PROGRAMS. IN ADDITION, THE
13 GUIDELINES MAY ASSIST COUNTIES AND COMMUNITIES WITH
14 EXISTING PROGRAMS IN REFINING THOSE PROGRAMS.

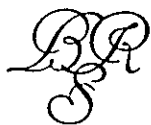
15 SOME TOPICS DISCUSSED IN THE GUIDELINES
16 INCLUDE FUNDING, LIABILITY, REGULATORY CONCERNS,
17 SELECTION OF CONTRACTORS, EQUIPMENT AND MATERIALS,
18 RECYCLING AND REUSE.

19 FOR A MORE SUBSTANTIAL VIEW OF WHAT IS IN
20 THE DOCUMENT, ON PAGE 407 OF YOUR PACKET, THERE'S THE
21 TABLE OF CONTENTS. THE DOCUMENT IS DESIGNED TO REFLECT
22 CURRENT LAW AND THE DEVELOPMENT OF NEW TECHNOLOGIES AND
23 WILL BE PERIODICALLY REVISED TO REFLECT ANY NEW LAWS AND
24 ANY CHANGES IN CURRENT LAWS AND ALSO ANY TECHNICAL
25 TECHNOLOGIES THAT ARE DEVELOPED.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Barristers'
reporting service

1 IF THE BOARD HAS ANY QUESTIONS, I'D BE
2 HAPPY TO ANSWER THEM AT THIS POINT.

3 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

4 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

5 BOARD MEMBER MOSCONE: WHEN I GOT TO THE SECTION
6 THAT TALKED ABOUT LIABILITIES AND EVERYTHING, IT SCARED
7 THE HELL OUT OF ME. I JUST SAID, WELL, IF I WERE ONE WHO
8 COULD DO THIS, WHO COULD HANDLE THIS OR TAKE CONTRACTS TO
9 DO THIS, I DON'T KNOW, IT PUT DOUBTS IN MY MIND AS TO
10 WHETHER I WOULD WANT TO DO IT OR NOT. BECAUSE, YOU KNOW,
11 WE'VE GOT A LOT OF KOOKS OUT THERE, AND IT DOESN'T TAKE A
12 HELL OF A LOT TO FIND YOURSELF IN COURT OR WITH A SUIT
13 AGAINST YOU.

14 MR. BURTON: MANY COUNTIES AND MUNICIPALITIES
15 THAT HAVE HAD THESE PROGRAMS ARE OF THE OPINION THAT THE
16 LIABILITY IS THERE ANYWAY. THIS IS A DIVERSION PROGRAM
17 TO TAKE THE WASTE AWAY AND OUT OF THE WASTE STREAM WHICH
18 MAY ENTER INTO THE LANDFILL. AND IF THAT'S THE CASE, IF
19 IT DOES ENTER THE LANDFILL, THERE MAY BE A PROBLEM DOWN
20 THE LINE IF THERE'S ANY CONTAMINATION OF ANY SORT WHERE
21 YOU HAVE RCRA LIABILITY AND CERCLA LIABILITY, SUPERFUND
22 LIABILITY.

23 SO THAT'S ONE OF THE MAJOR CONCERNS AND ONE
24 OF THE BIGGEST FEARS THAT COUNTIES HAVE -- COUNTIES AND
25 CITIES HAVE IN ESTABLISHING A PROGRAM. HOWEVER, EITHER



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 WAY, THE LIABILITY IS THERE. SO IT MAY BE LESS EXPENSIVE
2 TO -- IT'S THE LESSER OF TWO EVILS. SO TO SPEAK. IT'S
3 MUCH CHEAPER TO HAVE THIS PROGRAM THAN IT IS TO HAVE A
4 SUPERFUND SITE.

5 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

6 CHAIRMAN GALLAGHER: MS. BREMBERG.

7 BOARD MEMBER BREMBERG: I THINK THESE GUIDELINES
8 ARE JUST GRAND, AND I WOULD ONLY ASK THAT ONE THING, THAT
9 PERHAPS YOU HAVE A GIVEN NUMBER WHERE PEOPLE CAN CALL AND
10 FIND OUT WHICH CITIES HAVE HAD SUCCESSFUL PROGRAMS, LARGE
11 CITIES, MEDIUM-SIZE CITIES, LITTLE CITIES, THE COUNTIES
12 THAT HAVE VERY SUCCESSFUL ONGOING PROGRAMS THAT, I'M
13 SURE, WOULD BE WILLING TO SHARE THE INFORMATION SO THAT
14 NOT EVERY CITY AND EVERY COUNTY HAS TO REINVENT THE
15 WHEEL.

16 YOU ARE ABSOLUTELY CORRECT ON THE
17 LIABILITY. OUR TWO DAYS THAT WE HAVE HAD -- AND,
18 INCIDENTALLY, OUR SECOND HOUSEHOLD HAZARDOUS DAY, WE
19 TRIPLED THE AMOUNT OF MATERIALS THAT CAME IN AS WELL AS
20 THE PARTICIPANTS. AND SO WE REALLY ARE VERY, VERY
21 PLEASED, AND WE'RE GOING TO ESTABLISH A PERMANENT ONE AT
22 THE PUBLIC SERVICE YARD. BUT I THINK THAT A LOT OF
23 PEOPLE HESITATE JUST FOR THE LIABILITY REASONS OR OTHER
24 REASONS AND THEY DON'T WANT TO START. IF THEY FIND OUT
25 THAT OTHER PEOPLE HAVE DONE IT, HAVE BITTEN THE BULLET

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



barristers'
reporting service

1 AND GONE AHEAD AND IT WORKS, THAT IT WOULD HELP. A
2 SEPARATE -- I DON'T MEAN BECAUSE THE PEOPLE CHANGE WITHIN
3 THE CITIES AND COUNTIES, BUT I THINK JUST A LIST OR A
4 NUMBER HERE THAT THEY COULD CALL.

5 MR. BURTON: WELL, WHAT WE'VE DESIGNED IS WE
6 HAVE A DATA BASE THAT WE'RE DEVELOPING, AND WE'RE GOING
7 TO INCORPORATE THAT INTO THE RECYCLING HOTLINE.

8 BOARD MEMBER BREMBERG: GOOD. BUT I THINK THESE
9 ARE VERY WELL DONE. AND THEY'RE BROAD ENOUGH SO ANYBODY
10 CAN FOLLOW THEM AND YET SPECIFIC ENOUGH SO YOU COVERED
11 THE HOT POINTS.

12 MR. BURTON: YES, THAT'S WHAT THEY WERE DESIGNED
13 FOR. IN RESEARCHING THESE DOCUMENTS AND READING OF THE
14 GUIDELINES, THEY VARIED FROM 300-PAGE BOOKS TO TWO-PAGE
15 LEAFLETS. AND WE WANTED TO COME UP WITH A HAPPY MEDIUM
16 THAT WAS SOMEWHAT EYE APPEALING, TOO, AND EASY TO READ.

17 CHAIRMAN GALLAGHER: ANY OTHER QUESTIONS? MR.
18 MOSCONE, YOU HAVE ANOTHER QUESTION?

19 BOARD MEMBER MOSCONE: NO. I WAS GOING TO
20 MENTION EXACTLY WHAT MRS. BREMBERG MENTIONED, THAT YOU
21 HAVE THIS -- YOU KNOW, PEOPLE WHO ARE INTERESTED CAN TALK
22 TO OR GET IN TOUCH WITH PEOPLE WHO HAVE GONE THROUGH
23 PUTTING PROGRAMS TOGETHER.

24 CHAIRMAN GALLAGHER: I HAVE A QUESTION,
25 PROCEDURALLY. I WOULD LIKE TO KNOW, ARE WE SUPPOSED TO

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service.

1 HAVE A VOTE OR ANYTHING ON THIS TODAY TO ACCEPT THESE
2 PRELIMINARY DRAFT GUIDELINES?

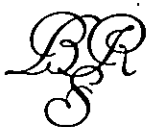
3 MR. EOWAN: WE INTEND, WHEN YOU ARE READY TO
4 APPROVE THIS, TO DISTRIBUTE IT TO ALL CITIES AND
5 COUNTIES. AND AS A MATTER OF THE WAY WE DO BUSINESS
6 HERE, BEFORE WE SEND ANY PUBLIC DOCUMENT OUT SUCH AS
7 THIS, WE DO LIKE TO HAVE FORMAL APPROVAL FROM THE BOARD.
8 SO, YES, YOU WOULD WANT TO VOTE ON IT.

9 CHAIRMAN GALLAGHER: I DIDN'T SEE A
10 RECOMMENDATION HERE EXCEPT IT WAS PRESENTED FOR
11 INFORMATION AND DISCRETION, BUT I THOUGHT --

12 MR. EOWAN: IT SAYS CONSIDERATION, TOO, SO YOU
13 ARE OKAY AS FAR AS THAT IS CONCERNED.

14 THE ONLY HESITATION I HAVE IN YOU TAKING A
15 VOTE ON IT TODAY IS THAT THIS HAS NOT BEEN DISTRIBUTED TO
16 CITIES AND COUNTIES UP UNTIL NOW IN A FORMAL WAY FOR ANY
17 COMMENT OR REVIEW. IT'S JUST -- HERB, CORRECT ME IF I'M
18 WRONG ON THIS. YOU MAY WANT TO GIVE IT A MONTH UNTIL
19 MAYBE THE NEXT MEETING JUST TO LET PEOPLE RESPOND TO IT
20 THAT MAY HAVE SOME COMMENT THAT THEY MAY WANT TO MAKE.
21 BUT I'M JUST SAYING THIS BECAUSE -- I DID RECEIVE A PHONE
22 CALL THIS MORNING, AND I HAVEN'T HAD A CHANCE TO DISCUSS
23 IT WITH HERB YET. YOU MAY HAVE ANOTHER --

24 MR. BURTON: WE DID DISTRIBUTE TO A FEW PEOPLE
25 IN THE CITIES AND COUNTIES, MOST OF THEM WHO HAVE HAD



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 EXPERIENCE IN HAVING PROGRAMS. L.A. COUNTY SANITATION
2 DISTRICT, KAREN BERGEN, LINDA PRATT FROM SAN DIEGO, THE
3 COMMON DENOMINATOR BEING THAT THEY HAVE PROGRAMS AND THEY
4 KNOW WHAT TO LOOK AT. AND WE WERE SEEKING THEIR
5 COMMENTS.

6 MR. EOWAN: AND SUPPORTIVE COMMENTS.

7 MR. BURTON: YES, THEY WERE.

8 CHAIRMAN GALLAGHER: MY NEXT QUESTION. MEMORY
9 TELLS ME, DIDN'T WE HAVE A COUPLE OF WORKSHOPS ON THIS
10 OUT IN THE BOONIES TO ACQUAINT PEOPLE WITH THAT?

11 MR. BURTON: I BELIEVE WORKSHOPS FOR AB 2448
12 GRANT GUIDELINES, WHICH IS A SEPARATE PROGRAM ALTOGETHER.

13 CHAIRMAN GALLAGHER: WE'VE GOT SO MANY
14 GUIDELINES GOING ON HERE AND SO MANY DIFFERENT BILLS THAT
15 IT'S GETTING TO BE VERY, VERY DIFFICULT TO KEEP TRACK
16 WHERE THE HELL WE ARE. WELL --

17 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I WOULD
18 MOVE THAT WE ACCEPT THE GUIDELINES AS PRESENTED FOR
19 HOUSEHOLD HAZARDOUS WASTE COLLECTION DAYS, AND ASK THAT
20 IT FOLLOW THE NORMAL PROCEDURE FOR DISTRIBUTION.

21 MR. EOWAN: THAT'S FINE.

22 BOARD MEMBER ARAKALIAN: MR. CHAIRMAN, I HAVE
23 SOMETHING I'D LIKE TO SAY. THIS SEEMS LIKE AS GOOD AS
24 ANY TIME.

25 CHAIRMAN GALLAGHER: ARE YOU SECONDING THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

barristers'
reporting service

1 MOTION?

2 BOARD MEMBER ARAKALINA: ON THE SAME ISSUE, BUT
3 ANOTHER SUBJECT, VERY RELEVANT THOUGH.

4 CHAIRMAN GALLAGHER: WE HAVE A MOTION.

5 BOARD MEMBER MOSCONE: I'LL SECOND THE MOTION.

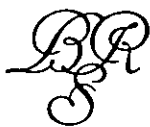
6 CHAIRMAN GALLAGHER: NOW, WE HAVE A MOTION AND A
7 SECOND TO ADOPT THESE GUIDELINES AND CIRCULATE THEM IN
8 THE NORMAL PROCEDURE. ANY DISCUSSION ON THAT? THEN I'LL
9 CALL FOR A VOTE. ALL THOSE IN FAVOR? OPPOSED? SO
10 ORDERED; CARRIED.

11 NOW, MR. ARAKALIAN.

12 BOARD MEMBER ARAKALIAN: ON THE SUBJECT OF
13 HOUSEHOLD HAZARDOUS WASTE, I HAVE WHAT I THINK IS A
14 PRETTY CLEVER IDEA, THAT MIGHT BE ABLE TO INCORPORATE
15 AND, IF WE COULD, WE'LL SAVE TONS OF MONEY FOR EITHER
16 OURSELVES -- YOU KNOW, THIS BEING THE STATE OF
17 CALIFORNIA -- AND/OR THE COUNTIES OR WHOEVER IS PICKING
18 UP THESE TABS AND DO PROBABLY A HELL OF A LOT MORE
19 EFFICIENT JOB.

20 I MEAN, HOUSEHOLD HAZARDOUS WASTE, THE
21 LITTLE BIT I CAN SEE OF IT, IS GOING TO BE PICKED UP ON
22 CERTAIN DAYS, CERTAIN COUNTIES, OR CERTAIN CITIES,
23 CERTAIN AREAS ARE GOING TO HAVE HOUSEHOLD PICKUP.

24 THE PRECAUTIONS THAT ARE NECESSARY, THE
25 EXPENDITURE THAT IS NECESSARY TO MAKE A FACILITY THAT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 WOULD BE ABLE TO HANDLE IT IS NOT GOING TO BE A SMALL
2 THING IN ITSELF. I KNOW THAT WE WENT TO THE HOUSEHOLD
3 HAZARDOUS WASTE THING IN SANTA MONICA, AND I CAN SEE THAT
4 THERE'S QUITE A BIT TO IT. AND IF IN MANY CITIES
5 THROUGHOUT THE STATE WE DO THIS, IT'S GOING TO BE
6 THOUSANDS OF THESE THINGS FOR THOUSANDS OF DAYS BEING
7 DONE, OR WHATEVER, HUNDREDS TO GO THROUGH A REPETITIOUS
8 THING OF SPENDING THE MONIES FOR A SITE AND FOR SETTING
9 UP THE SITE, FOR BUYING THE PROTECTIVE THINGS NECESSARY
10 FOR THESE PEOPLE.

11 I THOUGHT, WOULDN'T IT BE CLEVER IF WE
12 COULD HAVE A FEW TEAMS OF -- MADE UP OF HOUSEHOLD
13 HAZARDOUS WASTE PICKUP PEOPLE HIRED ON, YOU KNOW,
14 PERMANENT BASIS, MAKE UP WHATEVER NUMBER OF TEAMS IS
15 NECESSARY, SAY, A TEAM, HAVE A TRUCK MADE THAT WOULD
16 CONFORM WITH ALL THE NECESSARY THINGS TO PICK UP
17 HOUSEHOLD HAZARDOUS WASTE, SEPARATED SECTIONS, CONTROLLED
18 SITUATIONS, ALL OF IT ON A TRUCK. YOU ARE NOT GOING TO
19 PICK UP SO MUCH THAT ONE TRUCK COULDN'T HANDLE IT IN A
20 CITY.

21 AND THIS TEAM WOULD HAVE ONE CAPITAL
22 INVESTMENT IN THE BEGINNING, ONLY ONE TIME, INSTEAD OF IN
23 EVERY CITY. THEN ALLOCATE THEIR TIME AND WHERE THEY CAN
24 GO ON A MOVEMENT. THEIR COST COULD IN ONE WAY SEEM HIGH,
25 BUT I THINK IT WOULD BE MINIMAL COMPARED TO THE OTHER

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers'
reporting service

1 ALTERNATIVE OF GOING AROUND SETTING IT UP.

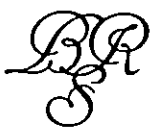
2 IF YOU HAVE A TWO- OR THREE-MAN TEAM,
3 YOU'RE GOING TO PAY THEIR PAY AND THEIR SUBSIDY OF SOME
4 KIND FOR THEIR BEING ON THE ROAD, BUT THEY AREN'T GOING
5 TO HAVE ANY CAPITAL INVESTMENT EACH TIME. THEY'RE GOING
6 TO GET BETTER AT WHAT THEY DO BECAUSE THEY'RE GOING TO
7 BE, BY THE TIME THEY'RE DONE, PROS AT IT. AND IF THE
8 COUNTIES OR THE CITIES ARE PAYING FOR THEIRS, THEY MIGHT
9 HAVE THOUSANDS AND THOUSANDS OF DOLLARS TO SPEND EACH
10 TIME IT'S DONE. THEY MIGHT FOR A FEW FOR -- PROBABLY
11 HAVE A COST OF A FEW HUNDRED DOLLARS A DAY, A VERY SMALL
12 AMOUNT OF MONEY OF COST EACH DAY AND WOULD BE A SMALL,
13 SMALL PITTANCE COMPARED TO THE OTHER.

14 I DON'T KNOW. I THINK IT COULD BE
15 EXPOUNDED ON, WORKED OUT, AND HAVE A VERY WORKABLE
16 METHOD. FIND OUT HOW MANY TRUCKS OR TEAMS IT TAKES.
17 SAVE A TON OF MONEY.

18 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

19 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

20 BOARD MEMBER BREMBERG: WE ARE -- I HATE TO
21 DISAGREE WITH SAM AND I UNDERSTAND HIS CONCEPT, BUT THERE
22 ARE MANY FIRMS WITHIN THE STATE WHO ARE HIGHLY QUALIFIED,
23 HIGHLY TRAINED WITH CHEMISTS AND ANALYSTS AND SO FORTH
24 THAT DO GO AROUND, AND THEY'VE ALREADY MADE THE
25 INVESTMENT. AND IF GOVERNMENT WENT INTO COMPETITION WITH



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 THEM AND UNDERCUT THEM, I THINK WE WOULD PROBABLY BE
2 ACCUSED OF DESTROYING SMALL BUSINESSES THAT ARE CLEARLY
3 ESTABLISHED.

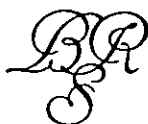
4 IT COST US \$163,400 SOME ODD DOLLARS FOR
5 OUR LAST ONE. AND TRANSPORTATION, THE EXPERTISE,
6 SEPARATION, PACKAGING, AND SO FORTH IS THE MOST ESSENTIAL
7 PART. AND I DON'T BELIEVE THAT THAT COST COULD BE
8 REDUCED EVEN BY A TRAVELING TEAM BECAUSE YOU DO HAVE TO
9 SEPARATE YOUR HERBICIDES FROM YOUR PESTICIDES FROM YOUR
10 PAINT THINNERS FROM YOUR WHATEVER, OR YOU HAVE AN
11 EXPLOSION. AND THE CITIES AND COUNTIES THEMSELVES ARE
12 NOT, BY IN LARGE, MAKING THAT INVESTMENT. THE PRIVATE
13 COMPANIES ARE, AND THERE ARE CERTAIN ONES THAT ARE HIGHLY
14 SKILLED AND HIGHLY QUALIFIED AND THEY DO TRAVEL.

15 BOARD MEMBER ARAKALIAN: ARE THEY JOBBING IT OUT
16 NOW?

17 BOARD MEMBER BREMBERG: AROUND THE STATE, OH,
18 YES.

19 BOARD MEMBER ARAKALIAN: WELL, I DIDN'T KNOW
20 THAT. I THOUGHT EACH ONE WAS GOING TO HAVE TO GO THROUGH
21 THIS BIG EXPENDITURE, AND I WAS THINKING OF JOBBING IT
22 OUT.

23 BOARD MEMBER BREMBERG: OH, NO. NO. YOU'RE
24 ABSOLUTELY CORRECT. I BELIEVE THEY ARE. YOU ARE
25 ABSOLUTELY RIGHT, EXCEPT SOMEBODY ELSE IN THE BUSINESS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 GOT THE IDEA AND HAS ALREADY DONE IT, BUT THANK YOU FOR
2 RECOGNIZING IT.

3 CHAIRMAN GALLAGHER: THANK YOU, MS. BREMBERG.
4 MR. MOSCONE.

5 BOARD MEMBER MOSCONE: OH, I'M SORRY.

6 CHAIRMAN GALLAGHER: THERE IS A MOTION AND A
7 SECOND THAT WE ADOPT THESE GUIDELINES AND PRESENT THEM TO
8 THE CITIES AND COUNTIES THROUGH NORMAL PROCEDURE. ALL IN
9 FAVOR? OPPOSED? CARRIED AND SO ORDERED.

10 BOARD MEMBER BREMBERG: MR. CHAIRMAN, AS LONG AS
11 WE'RE ALL GOING OFF IN INDEPENDENT DIRECTIONS, I WOULD
12 LIKE TO BRAG ABOUT THE GLENDALE RECYCLING PROGRAM, WHICH
13 IS SOMETHING THAT CAME ABOUT AS AN INSPIRATION OF THIS
14 BOARD'S DIRECTION. WE HAVE VERY INTERESTING DICOTOMY IN
15 PLANNING.

16 WE ANTICIPATED WE WOULD HAVE A 30-PERCENT
17 PARTICIPATION; WE ARE NOT. WE ANTICIPATED WE WOULD GET
18 FOUR TONS; WE ARE NOT. WE ARE GETTING 20-PERCENT
19 PARTICIPATION WITH 8 TONS A DAY. NOW, I DON'T REALLY
20 UNDERSTAND WHY THE TONNAGE IS DOUBLE WHAT WE ANTICIPATED
21 AND 10 PERCENT LESS PARTICIPATION THAN WE THOUGHT.

22 EVIDENTLY, OUR STARTING THE PROGRAM WE DID
23 SOMETHING THAT WASN'T QUITE RIGHT, BUT WE'RE ADJUSTING
24 THAT. WE WANT A 30-PERCENT PARTICIPATION AND 10 TONS A
25 DAY. BUT BECAUSE I'M A NAG, THE CITY OF GLENDALE WILL



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 NOW IN THE FUTURE, AS THE ORDERS COME IN, EVERYTHING WILL
2 BE ON RECYCLED PAPER. WE HAVE OUR LITTLE GLENDALE
3 RECYCLE HERE AND THE STATIONERY -- THIS IS PUBLIC WORKS
4 DEPARTMENT. I THOUGHT IT APPROPRIATE TO START WITH
5 SANITATION AND PUBLIC WORKS. OUR INTEROFFICE,
6 INTERDEPARTMENTAL COMMUNICATIONS, AND OUR BOND PAPER IS
7 NOW ALL RECYCLED.

8 AND BECAUSE THE TONNAGE IS SO GREAT AND OUR
9 BUCKETS AREN'T BIG ENOUGH, WE NOW GIVE OUT STICKERS THAT
10 CAN BE PUT ON SMALL GARBAGE CANS. AND THE RECYCLE PEOPLE
11 WILL ALSO TAKE THE GARBAGE CANS PLUS THE BUCKETFULS THAT
12 ARE PUT OUT. AND I THINK FOR TWO MONTHS, I THINK WE'RE
13 DOING VERY WELL. WE'RE AVERAGING 8 TONS A DAY.

14 CHAIRMAN GALLAGHER: THANK YOU, MRS. BREMBERG,
15 AND CONGRATULATIONS. I READ IN THE LOS ANGELES TIMES
16 THIS MORNING THAT THE CITY OF LOS ANGELES HAS NOW DECIDED
17 TO GO INTO A RATHER LARGE WHITE OFFICE PAPER RECYCLING
18 PROGRAM IN THE CITY OF LOS ANGELES. SO YOU ARE EDUCATING
19 THEM ALONG THE WAY. I KNOW IT'S TOUGH FOR YOU, BUT YOU
20 ARE DOING A GOOD JOB.

21 BOARD MEMBER ARAKALIAN: I'M GLAD THAT WE'RE IN
22 A POSITION WHERE WE COULD INSTIGATE, AS MUCH AS WE ARE,
23 RECYCLING PROGRAMS IN THIS CITY, GETTING BEHIND THEM,
24 HELPING THEM, BECAUSE IF WE GET ENOUGH RECYCLING IN
25 ENOUGH CITIES DOING IT ON THEIR OWN, WE WON'T NEED A

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Barristers'
reporting service

1 MANDATORY PROGRAM BECAUSE IT WILL ALREADY BE IN PLACE AND
2 MUCH BETTER THAN MANDATORY BECAUSE THEY WILL, THEMSELVES,
3 TAKE CARE OF ONE OF THE BIG PROBLEMS MANDATORY RECYCLING
4 WILL CAUSE.

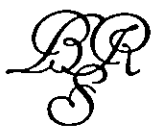
5 EACH COMMUNITY WILL SET UP A PROGRAM
6 STREAMLINED AND CUSTOM-MADE FOR THAT PARTICULAR
7 COMMUNITY; WHEREAS, A MANDATORY PROGRAM, LOS ANGELES CITY
8 WILL BE UNDER THE SAME PROGRAM AS SOMETHING LIKE TRINITY
9 COUNTY, FOR EXAMPLE, OR WHATEVER THE HELL IT IS, YOU
10 KNOW. AND THE SAME PROGRAMS WON'T WORK IN THE RURAL
11 AREAS OR THE HIGH COUNTRY AREAS, THE WET AREAS, THE DRY
12 AREAS; AND THE BIG PROBLEM OF THE MANDATORY KIND COULD
13 LIE AT REST AND NOT EVEN BE NECESSARY BECAUSE OUR GREAT
14 BOARD IS MAKING STEPS.

15 BOARD MEMBER BREMBERG: TAKING STEPS.

16 BOARD MEMBER ARAKALIAN: TAKING STEPS TO GET
17 CITIES TO DO IT ON THEIR OWN.

18 CHAIRMAN GALLAGHER: THANK YOU, MR. ARAKALIAN.

19 WE'RE NOW GOING TO MOVE BACK IN THE AGENDA.
20 YESTERDAY WE HAD TO CUT OFF OUR DISCUSSION ON GUIDELINES
21 FOR CLOSURE/POSTCLOSURE, AND WE'RE NOW IN A POSITION
22 WHERE WE'RE GOING TO BE ABLE TO CONTINUE THAT SO THAT OUR
23 STAFF CAN COMPLETE THEIR WORK. SO WE'VE ASK BILL ORR TO
24 COME BACK IN AND PICK UP, IF HE CAN, WHERE HE LEFT OFF
25 YESTERDAY. AT SOME POINT IN TIME, WE'LL LET YOU EAT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 LUNCH, BILL.

2 MR. ORR: OKAY. THANK YOU, MR. CHAIRMAN AND
3 BOARD MEMBERS. GOOD MORNING.

4 WHERE WE LEFT OFF YESTERDAY IS WE HAD MADE
5 IT ALL THE WAY THROUGH, FOR ALL INTENTS AND PURPOSES, THE
6 CHANGES THAT HAVE OCCURRED, BASED ON THE WORKSHOPS AND SO
7 FORTH, TO THE ACTUAL UNIFORM STANDARDS FOR CLOSURE AND
8 POSTCLOSURE.

9 WHAT WE'LL BE TALKING ABOUT THIS MORNING,
10 THEN, IS THE CLOSURE PLAN ITSELF, THAT WOULD COMBINE A
11 DESCRIPTION AND A PLAN, SCHEDULES, AND SO FORTH FOR HOW
12 THE OPERATOR INTENDS TO ACCOMPLISH THE STANDARDS THAT WE
13 DISCUSSED YESTERDAY.

14 AND ONE OF THE MAJOR THINGS THAT WE'VE
15 ATTEMPTED TO DO IS TIE THE STANDARDS TO THE WRITTEN
16 DESCRIPTIONS. SO, FOR EXAMPLE, IF YOU -- YESTERDAY WE
17 TALKED ABOUT FINAL COVER. THE CLOSURE PLAN WOULD
18 INDICATE THAT YOU WOULD NEED TO ADDRESS FINAL COVER AS
19 DESCRIBED IN THE FINAL COVER SECTION, AND THAT WOULD
20 APPLY THROUGHOUT.

21 IN ADDITION, SINCE THE LAST TIME WE CAME
22 BEFORE YOU, WE'VE EXPANDED THE DESCRIPTION OF WHAT WOULD
23 BE REQUIRED REGARDING COST ESTIMATES, AND THAT PARTLY
24 REFLECTS THE WORK THAT WE'VE DONE FOR THE INITIAL
25 CERTIFICATIONS THAT WE'LL BE TALKING ABOUT ALSO, THE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*Barristers
reporting service*

1 GUIDELINES THAT THE BOARD ADOPTED AT THEIR AUGUST MEETING
2 AND THE COMMENTS THAT WE RECEIVED IN ADOPTING THOSE, PLUS
3 WHAT WE'VE ACTUALLY ENDED UP RECEIVING AS A RESULT OF THE
4 CERTIFICATION DEADLINE.

5 SO THOSE ARE THE TWO MAJOR AREAS THAT WE'VE
6 BEEN WORKING ON IN TERMS OF THE ACTUAL CONTENTS OF THE
7 CLOSURE PLAN. THIS REPRESENTS ONLY A PART OF WHAT WILL
8 BE INCLUDED IN THE APPROVAL PROCESS FOR THE CLOSURE
9 PLANS.

10 SO LET US START, THEN, ON THE AGENDA ITEM
11 1(B) THAT WILL BEGIN ON PAGE --

12 CHAIRMAN GALLAGHER: PAGE 80.

13 MR. ORR: -- PAGE 82 -- IT WILL BE 83 OF THE
14 BOARD PACKET.

15 NEXT MONTH WE'LL BE BRINGING BACK TO YOU
16 THE REST OF THIS CHAPTER THAT PERTAINS TO THE APPROVAL
17 PROCESS, AND THAT APPROVAL PROCESS WILL BE IN LINE WITH
18 THE FINAL RECOMMENDATIONS OF THE SOLID WASTE CLEANUP AND
19 MAINTENANCE ADVISORY COMMITTEE THAT HAVE BEEN APPROVED
20 AND DISTRIBUTED TO THE COMMITTEE MEMBERS FOR THEIR FINAL
21 PERUSAL.

22 SO WE HAVE TO MAKE SOME LAST CHANGES TO
23 THOSE BASED ON WHAT THE ADVISORY COMMITTEE RECOMMENDS,
24 BUT THAT WILL REFLECT THE REST OF THIS SECTION, WHICH IS
25 FOUND IN CHAPTER 5, AND THIS IS ARTICLE 3.4 OF CHAPTER 5.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 AND SO THIS ONLY REPRESENTS THE PART THAT DETAILS THE
2 CLOSURE PLAN ITSELF.

3 WITH THAT IN MIND, THEN, I'LL TURN THE
4 MICROPHONE OVER TO DAVE VOLDEN OF THE STANDARDS AND
5 REGULATIONS UNIT.

6 MR. VOLDEN: GOOD MORNING, MR. CHAIRMAN AND
7 MEMBERS OF THE BOARD.

8 SECTION 18261, CONTENTS OF THE CLOSURE
9 PLAN. BASICALLY, THIS REGULATION IS SET UP TO DRAW A
10 DISTINCTION BETWEEN THE PRELIMINARY AND THE FINAL PLANS,
11 TO LIST THE CONTENTS REQUIRED IN EACH, AND TO DEVELOP
12 REQUIREMENTS FOR THE CLOSURE COST ESTIMATES.

13 THE DISTINCTION BETWEEN THE PRELIMINARY AND
14 FINAL PLAN IS BASED ON THE LEVEL OF DETAIL REQUIRED AND
15 THE USES FOR EACH. THE PRELIMINARY PLAN IS A CONCEPTUAL
16 DOCUMENT DESIGNED PRIMARILY TO BE A ROAD MAP FOR CLOSURE
17 OF ALL UNITS AT THE FACILITY. THE FINAL PLAN IS WHAT IS
18 IMPLEMENTED UPON CLOSURE AND MAY BE FOR THE ENTIRE
19 LANDFILL OR THAT UNIT THAT IS GOING TO BE CLOSED IN A
20 PARTIAL FASHION.

21 THE PRELIMINARY PLAN REQUIRES -- THIS IS ON
22 PAGE 84 -- THE PRELIMINARY PLAN REQUIRES LESS SPECIFICITY
23 AND DETAIL, BUT SHOULD CONTAIN ENOUGH INFORMATION TO
24 ALLOW THE OPERATOR TO MAKE A COST ESTIMATE;

25 AND, TWO, TO ENABLE THE BOARD AND LEA TO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 ASSESS THE REASONABLENESS OF THAT COST ESTIMATE;

2 AND, THREE, TO ALLOW A REGISTERED CIVIL
3 ENGINEER OR CERTIFIED ENGINEERING GEOLOGIST TO VERIFY ITS
4 ACCURACY.

5 THE FINAL CLOSURE PLAN, ON THE OTHER HAND,
6 IS A DETAILED CONCEPTUAL ENGINEERING DOCUMENT TO PROVIDE
7 A BASIS FOR AN ACCURATE COST ESTIMATE, TO PROVIDE A
8 DETAILED PLAN AND SCHEDULE TO BE IMPLEMENTED UPON
9 CLOSURE, AND TO ALLOW THE BOARD AND LEA TO MONITOR
10 CLOSURE TO SEE THAT IT IS IN COMPLIANCE WITH THE PLAN.

11 THE SECOND ASPECT OF THE REGULATION LISTS
12 THE CONTENTS IN THE PRELIMINARY PLAN. THAT'S ON PAGE 84
13 AND 85.

14 A PORTION OF THIS THAT I WANT TO HIGHLIGHT
15 IS THE SECTION ON THE TOPOGRAPHIC MAP. WE HAD SOME
16 COMMENTS ABOUT THIS AT THE WORKSHOPS. THEIR PROBLEM WITH
17 IT, BASICALLY, WAS THAT IT WAS TOO INFLEXIBLE AS WRITTEN
18 AND DID NOT ALLOW FOR AN ENGINEER TO DETERMINE THE SCALE
19 AND CONTOUR INTERVAL. SO I MODIFIED IT TO READ: A
20 TOPOGRAPHIC MAP ON A SCALE AND CONTOUR INTERVAL
21 DETERMINED BY A REGISTERED CIVIL ENGINEER OR CERTIFIED
22 ENGINEERING GEOLOGIST, BUT NOT TO EXCEED 1 INCH EQUALS
23 200 FEET WITH A MAXIMUM CONTOUR INTERVAL OF 2 FEET.

24 THE SCALE AND CONTOUR INTERVAL MUST BE OF
25 SUFFICIENT WORD TO ALLOW THE OPERATOR TO USE THE ULITIZE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

Harristers
reporting service

1 THE MAP FOR VOLUMETRIC CALCULATIONS TO MAKE AN ASSESSMENT
2 OF ANTICIPATED SITE LIFE.

3 BOARD MEMBER BREMBERG: MR. CHAIRMAN, WHAT DOES
4 SUFFICIENT WORD MEAN?

5 CHAIRMAN GALLAGHER: I'M SORRY. MS. BREMBERG
6 HAS A QUESTION.

7 BOARD MEMBER BREMBERG: WHAT DOES SUFFICIENT
8 WORD MEAN?

9 MR. VOLDEN: THAT'S A TERMINOLOGY FOR THE
10 MAGNITUDE OF THE SCALE.

11 BOARD MEMBER BREMBERG: THANK YOU.

12 MR. VOLDEN: THE CONTENTS OF THE FINAL CLOSURE
13 PLAN ARE COVERED ON PAGE 86. BASICALLY, THE FINAL PLAN
14 LISTS THE SAME FRAMEWORK AS THE PRELIMINARY PLAN. IT'S
15 DESIGNED TO GIVE AN OVERALL PICTURE. THE REQUIREMENTS
16 ARE SUBSTANTIALLY THE SAME; HOWEVER, IN THE FINAL PLAN
17 THE QUALITY ASSURANCE AND THE QUALITY CONTROL PROPOSAL
18 WILL BE SUBMITTED IN THE SLOPE STABILITY REPORT. WE
19 MODIFIED THIS, IN RESPONSE TO COMMENTS AT THE WORKSHOP,
20 THAT SAID IT WOULD BE TOO PREMATURE TO INCLUDE THESE IN
21 THE PRELIMINARY PLAN.

22 THEN ITEM 4, THE CLOSURE COST ESTIMATE.
23 THIS INFORMATION WAS BASICALLY TAKEN FROM THE COST
24 ESTIMATE GUIDELINES. IT WAS NOT INCLUDED IN THE LAST
25 SECTION; HOWEVER, OAL STATED THAT GUIDELINES HAVE NO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

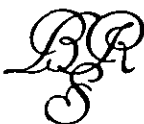
1 REGULATORY EFFECT, SO WE INCLUDED IT INTO THIS SECTION.

2 THE REQUIREMENTS FOR THE COST ESTIMATE ARE
3 LISTED IN D AND E ON PAGE 86, AND THE HIGHLIGHTS OF THIS
4 IS THAT THE COST ESTIMATES MUST BE MADE IN CURRENT
5 DOLLARS OF THE COST TO HIRE A THIRD PARTY TO CLOSE THE
6 LANDFILL. AND COST ESTIMATES SHALL BE MADE FOR WHEN THE
7 EXTENT AND MANNER OF OPERATION WOULD MAKE THE CLOSURE THE
8 MOST EXPENSIVE.

9 THEN THE SECTION GOES ON IN F ON PAGE 87 TO
10 LIST WHAT THE CLOSURE COST ESTIMATES WILL INCLUDE.

11 SECTION 18265, IS THE CONTENTS OF THE
12 POSTCLOSURE MONITORING AND MAINTENANCE PLAN. GENERALLY,
13 THIS SECTION FOLLOWS THE SAME FORMAT AS THE CONTENTS OF
14 THE CLOSURE PLAN. IT, AGAIN, DISTINGUISHES BETWEEN A
15 PRELIMINARY POSTCLOSURE PLAN AND A FINAL POSTCLOSURE
16 PLAN, AND IT LISTS THE CONTENTS OF BOTH THE FINAL AND THE
17 PRELIMINARY PLAN. AND, GENERALLY, AGAIN, THESE -- THE
18 CONTENTS DON'T CHANGE, JUST THE LEVEL OF DETAIL REQUIRED
19 FOR EACH IS GENERALLY WHAT CHANGES IT.

20 AND IT ALSO INCLUDES A SECTION ON THE COST
21 ESTIMATES. THE COST ESTIMATES: THE OWNER OR OPERATOR
22 SHALL PROVIDE TO THE BOARD AND LEA A DETAILED WRITTEN
23 ESTIMATE IN CURRENT DOLLARS OF THE COST OF HIRING A THIRD
24 PARTY TO MAINTAIN, MONITOR, AND INSPECT THE CLOSED
25 LANDFILL IN ACCORDANCE WITH THE POSTCLOSURE MAINTENANCE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

Barristers'
reporting service

1 PLAN.

2 COST ESTIMATES SHALL BE BASED ON THE
3 ACTIVITIES DESCRIBED IN THE POSTCLOSURE MAINTENANCE PLAN
4 AND ACCOUNT FOR THE ENTIRE LANDFILL. THE COST ESTIMATE
5 USED TO DEMONSTRATE FINANCIAL ASSURANCE SHALL BE OBTAINED
6 BY MULTIPLYING THE ANNUAL COST OF MAINTENANCE AND
7 MONITORING BY 15 YEARS. AND, GENERALLY, IT GOES ON IN
8 SECTION E TO DESCRIBE WHAT THE CONTENTS OF THE COST
9 ESTIMATE SHALL INCLUDE.

10 MR. ORR: ARE THERE ANY QUESTIONS AT THIS TIME
11 REGARDING THE CONTENTS OF THE CLOSURE PLAN OR THE COST
12 ESTIMATES?

13 CHAIRMAN GALLAGHER: YOU HAVE ANY QUESTIONS,
14 BOARD?

15 MR. ORR: AS I MENTIONED, WE'LL BE BRINGING BACK
16 THE REST OF THE APPROVAL PROCESS FOR YOUR DISCUSSION NEXT
17 MONTH.

18 CHAIRMAN GALLAGHER: I'D LIKE TO ASK ONE
19 QUESTION. HOW DID WE ARRIVE AT THE 20-PERCENT FACTOR FOR
20 CATASTROPHIC EVENTS? IS THAT SOMETHING THAT WAS
21 RECOMMENDED TO US OR DID WE COME UP WITH IT?

22 MR. ORR: THE 20 PERCENT WAS SOMETHING THAT WAS
23 DISCUSSED FAIRLY EXTENSIVELY IN THE COURSE OF ADOPTING
24 THE CERTIFICATION GUIDELINES, AND THAT NUMBER IS IN THERE
25 AT THIS POINT. THERE WAS -- I WOULD SAY THERE'S SEVERAL



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 DIFFERENT KINDS OF CONTINGENCIES ASSOCIATED WITH CLOSURE
2 AND POSTCLOSURE.

3 THERE IS THE NORMAL KINDS OF CONTINGENCY
4 THAT YOU MIGHT HAVE WITH ANY KIND OF ENGINEERED ACTIVITY
5 FOR COST OVERRUNS, AND THOSE TYPE OF CONTINGENCIES MIGHT
6 RANGE, SAY, BETWEEN 5 AND 15 PERCENT. THE TYPE OF
7 CONTINGENCIES THAT WE WERE CONCERNED ABOUT HERE WAS MORE
8 SOMETHING THAT WAS NOT A COST OVERRUN, BUT AN EVENT THAT
9 MIGHT, FOR EXAMPLE, HAVE BEEN DESCRIBED IN THE EMERGENCY
10 RESPONSE PLAN THAT WE MENTIONED TO YOU YESTERDAY.

11 AND THAT'S MUCH MORE NEBULOUS, AND THE --
12 WHAT WE WOULD THINK ABOUT DOING IS HAVE A 20 PERCENT; AND
13 THEN IF SOMEBODY COULD BE MORE DETAILED THAN THAT IN
14 TERMS OF EVALUATING THE COST OF THE VARIOUS SCENARIOS
15 THAT'S IN THE EMERGENCY RESPONSE PLAN, IT COULD BE
16 MODIFIED TO REFLECT THAT. BUT THAT WAS A NUMBER THAT WAS
17 FINALLY AGREED UPON FOR THE PURPOSES OF THE CERTIFICATION
18 GUIDELINES BACK IN AUGUST.

19 CHAIRMAN GALLAGHER: THE THING THAT, I GUESS,
20 CONCERNS ME, WE'VE GOT CERTIFICATION GUIDELINES, WE'VE
21 GOT CLOSURE/POSTCLOSURE GUIDELINES, WE'VE GOT SOME
22 OTHERS. I HAVE NOT YET BEEN ABLE TO FIGURE OUT, BILL,
23 HOW ARE WE ACCOUNTING IN COST ESTIMATES FOR INFLATION?
24 SOME OF THESE PLANS ARE GOING TO COME IN AND WE'RE
25 PREDICTING WHAT'S GOING TO COST 30 YEARS DOWNSTREAM. AND



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

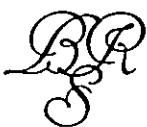
1 I'M WONDERING HOW ARE WE FACTORING THAT IN?

2 MR. ORR: THAT'S A GOOD QUESTION. I BELIEVE THE
3 MAIN WAY THAT WE'RE LOOKING AT DOING THAT IS A TWO-STEP
4 PROCESS. THE FIRST STEP IS THAT A CLOSURE PLAN -- THE
5 CLOSURE PLAN THAT'S BEEN PREPARED AND THE COST ESTIMATE
6 THAT ACCOMPANIES IT WILL BE FIGURED ON TODAY'S DOLLARS.
7 THEN NEXT YEAR YOU WILL APPLY AN INFLATIONARY FACTOR
8 BASED ON THE COST OF LIVING OR SOME FACTOR TO THE COST IN
9 THAT PLAN, AND YOU WILL DO THAT ANNUALLY.

10 THEN EVERY FIVE YEARS, YOU WILL DO AN
11 ACTUAL MAJOR REVIEW OF THE PLAN. AND AT THAT TIME YOU
12 WILL BE LOOKING, NOT ONLY WHAT THE ACTUAL CHANGES IN
13 COSTS ARE, BUT YOU WILL ALSO BE LOOKING AT CHANGES IN THE
14 DESIGN OF THE FACILITY THAT MAY AFFECT CLOSURE. SO THE
15 WAY THAT WE'RE ESSENTIALLY DEALING WITH THE INFLATION IS
16 BY PERIODICALLY UPPING THE -- ADJUSTING THE COST ESTIMATE
17 AND REVISING THE PLAN.

18 NOW, ON THE OTHER END, THE WAY THAT THE
19 OPERATOR WOULD BE CONCEIVABLY MATCHING THOSE INCREASES IN
20 COST WOULD BE ANY REVENUE THAT WOULD BE GENERATED BY THE
21 MECHANISM ITSELF. SO, FOR EXAMPLE, IF THE INTEREST THAT
22 WAS EARNED ON A TRUST FUND, FOR EXAMPLE, WAS TO KEEP PACE
23 WITH THE RATE OF INFLATION, THEN IT WOULD SORT OF BALANCE
24 EACH OTHER OUT.

25 CHAIRMAN GALLAGHER: ASSUME IT DIDN'T, THOUGH.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 DOES HE HAVE ANY REQUIREMENT TO MAKE ADJUSTMENTS?

2 MR. ORR: YES. THERE WOULD BE THE REQUIREMENT
3 TO MAKE ADJUSTMENTS TO THE CONTRIBUTION TOWARD THE TRUST
4 FUND OR THE OTHER MECHANISM, AND THOSE THINGS WILL BE
5 SPELLED OUT IN MORE DETAIL BY THE CONTRACTOR, ICF, WHEN
6 THEY PRESENT THEIR REGULATIONS ON THE FINANCIAL
7 MECHANISMS THEMSELVES.

8 CHAIRMAN GALLAGHER: THANK YOU. YOU HAVE ANY
9 QUESTIONS? YES, MR. MOSCONE.

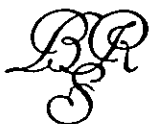
10 BOARD MEMBER MOSCONE: I DON'T KNOW WHETHER
11 ANYONE ELSE HAD ANY PROBLEMS READING ALL OF THIS STUFF,
12 BUT I HAVE FOUND MYSELF GOING BACK AND FORTH. I HAVE A
13 PROBLEM, FOR EXAMPLE, WE'VE GOT NUMBERS, WE'VE GOT
14 CAPITAL LETTERS, AND WE'VE GOT SMALL LETTERS. AND I
15 FOUND MYSELF GOING BACK TO SEE WHAT I WAS READING ABOUT
16 AND ALL. IS THERE -- COULD WE, SAY, HAVE A ONE-LINE
17 SPACE IN BETWEEN EACH OF THE SECTIONS OR WHATEVER SO
18 THAT --

19 MR. IWAHRO: YES.

20 BOARD MEMBER MOSCONE: ESPECIALLY, YOU KNOW, IN
21 THIS -- THE FIRST SECTION, THE CHAPTER 3 THING, WITH ALL
22 OF THAT STUFF UNDERLINED, YOU KNOW, I -- I HAD A LITTLE
23 PROBLEM

24 MR. EOWAN: IT'S HARD TO READ.

25 CHAIRMAN GALLAGHER: MIGHT DOUBLE SPACE. I



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 DON'T KNOW HOW YOU DO THAT ON YOUR PRINTING EQUIPMENT.

2 MR. EOWAN: WE'LL WORK ON IT AND GIVE IT ANOTHER
3 TRY AND SEE HOW YOU LIKE IT NEXT TIME.

4 BOARD MEMBER MOSCONE: YOU'VE GOT CAPITAL
5 LETTERS, YOU'VE GOT SMALL LETTERS, AND I FIND MYSELF
6 GOING BACK AND UP AND DOWN.

7 MR. ORR: ULTIMATELY -- WE'LL TAKE CARE OF THAT.
8 OUR GOAL, ULTIMATELY, IS TO SUBMIT THE REGULATIONS IN THE
9 FORMAT THAT THE OFFICE OF ADMINISTRATIVE LAW WANTS, BOTH
10 IN TERMS OF THE USE OF THE SMALL LETTERS AND THE CAPITAL
11 LETTERS. SO I THINK WHAT WE'LL DO IS -- AND THEY HAVE
12 CERTAIN THINGS ABOUT THE MARGINS AND TABS ON THOSE AS
13 WELL.

14 BUT FOR THE PURPOSES OF DISCUSSION, WE'LL
15 DEFINITELY TRY TO MAKE IT MORE CLEAR. AND THE OTHER
16 THING THAT WE CAN EASILY DO IS PUT OUT A LITTLE KEY FOR
17 SORT OF WHERE THE DIFFERENT THINGS ARE RELATIVE TO WEIGHT
18 BECAUSE IT IS SOMEWHAT CONFUSING THAT, IN THE OAL FORMAT
19 FOR REGULATIONS, THE SMALL LETTERS ARE ACTUALLY LARGER
20 SUBDIVISIONS THAN THE BIG LETTERS, AND THAT CAN BE VERY
21 CONFUSING, SIMILAR TO LEGISLATION ALSO.

22 MR. EOWAN: WE'RE TRYING TO PRESENT IT TO YOU
23 THE WAY WE WILL EVENTUALLY HAVE TO PRESENT IT TO THE
24 OFFICE OF ADMINISTRATIVE LAW, WHICH ISN'T NECESSARILY AN
25 ARTISTIC RENDERING.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 BOARD MEMBER MOSCONE: YOUT GOT TO GO THROUGH
2 400 AND SOME ODD PAGES HERE IN, FOR ME, IS A SHORT
3 PERIOD.

4 MR. EOWAN: WE'LL GIVE IT ANOTHER SHOT AND SEE
5 WHAT WE CAN DO.

6 BOARD MEMBER BREMBERG: WHAT DID YOU HAVE IN
7 MIND? YOU WANTED TO PLAY GOLF AND YOU COULDN'T.

8 BOARD MEMBER MOSCONE: NO. I HAVEN'T PLAYED
9 GOLF SINCE 4TH OF JULY.

10 MR. EOWAN: WE'LL TRY AGAIN.

11 MR. ORR: WE'LL TAKE CARE OF IT FOR THE
12 DISCUSSIONS FOR THE BOARD. THAT'S WHAT WE'RE WORKING
13 TOWARDS ULTIMATELY HERE.

14 BOARD MEMBER MOSCONE: I DON'T WANT ANYTHING
15 PERSONAL. I DON'T KNOW IF ANYONE ELSE HAD ANY PROBLEMS
16 WITH IT.

17 BOARD MEMBER ARAKALIAN: I DID.

18 BOARD MEMBER BREMBERG: WE ALL DID.

19 MR. ORR: WE DO TOO, ACTUALLY.

20 BOARD MEMBER MOSCONE: THANK GOD. I HAVE SOME
21 SEMBLANCE OF NORMALCY.

22 CHAIRMAN GALLAGHER: OKAY. NOW, WHERE ARE WE?
23 ARE YOU NOW THROUGH?

24 MR. ORR: WE'RE DONE WITH 1(B).

25 CHAIRMAN GALLAGHER: AND WE'RE THROUGH WITH 1(A)

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Harristers'
reporting service

1 ALSO?

2 MR. ORR: YES, SIR.

3 CHAIRMAN GALLAGHER: SO WE'RE THROUGH WITH
4 DISCUSSION OF DRAFT REGULATIONS. DO WE NEED A VOTE OF
5 APPROVAL HERE, OR WAS THAT JUST FOR INFORMATION, AND THEY
6 GO BACK NOW AND REFINE THEM BASED UPON THE COMMENTS MADE?

7 MR. EOWAN: THE LATTER.

8 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH AND
9 CONGRATULATIONS. YOUR GROUP AS USUAL, BILL, MADE
10 EXCELLENT PRESENTATIONS.

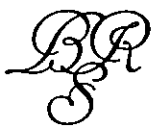
11 MR. ORR: ON BEHALF OF THE STAFF, THANK YOU, MR.
12 CHAIRMAN.

13 CHAIRMAN GALLAGHER: WE CERTAINLY COULDN'T HAVE
14 GOTTEN OUT OF WHAT'S ON PAPER IF THEY HADN'T BEEN ABLE TO
15 INTERPRET IT FOR US, I'LL TELL YOU. THANK YOU. AND NOW
16 WE CAN GET BACK ON THE REGULAR AGENDA. AND WE'RE GOING
17 TO GO TO ITEM 24.

18 MR. EOWAN: 22, I BELIEVE.

19 CHAIRMAN GALLAGHER: 22. I HAD THAT DOWN FOR
20 THURSDAY. NOW I GUESS WE CHANGED AROUND AGAIN. SO ITEM
21 22.

22 MR. IWAHRO: MR. CHAIRMAN, ITEM 22 IS WITH
23 REGARD TO OUR 2448 AGAIN. THE FIRST OF THE YEAR ALL
24 OPERATORS OF LANDFILLS WERE REQUIRED TO SUBMIT THE FACT
25 THAT THEY HAD SET UP A TRUST FUND OR EQUIVALENT TO TAKE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 CARE OF POSTCLOSURE AND POSTCLOSURE MAINTENANCE. THEY
2 WERE ALSO SUPPOSED TO CERTIFY THAT THEY HAD DONE A COST
3 ESTIMATE OF THOSE TWO FUNCTIONS.

4 SO WE HAVE NOW GOTTEN, ACTUALLY AS OF THE
5 FIRST OF THE YEAR, A NUMBER OF THESE DOCUMENTS, AND THEY
6 LITERALLY PILE ABOUT 5 TO 6 FEET HIGH.

7 AND SO OUR STAFF, ALONG WITH DOING ALL THIS
8 REGULATIONS WORK -- IT'S THE SAME GROUP -- HAVE BEEN
9 TRYING TO TAKE A LOOK AT THESE AND TO EVALUATE THEM, AND
10 THEY'VE ACTUALLY GOTTEN SOME NUMBERS AS TO HOW MANY WE
11 HAVE AND WHAT KINDS OF APPROACHES THEY'RE TAKING. AND SO
12 WE'VE ASKED BILL ORR TO REPORT ON WHAT THE NUMBERS ARE,
13 THE KIND THEY ARE, THAT SORT OF THING.

14 AND, ALSO, WE MIGHT WANT TO DISCUSS A
15 LITTLE BIT ABOUT HOW WE MIGHT WANT TO APPROACH DEALING
16 WITH THESE. AND SO WHILE WE REALLY WANT TO BRING BACK
17 SOMETHING TO YOU NEXT MONTH, WE'D LIKE TO, AT LEAST,
18 APPROACH THAT AND DISCUSS IT A LITTLE BIT TOO.

19 MR. EOWAN: LET ME JUST ADD A LITTLE BIT, BILL,
20 BEFORE YOU BEGIN. I JUST WANT TO REFRESH YOUR MEMORY ON
21 HOW WE INITIALLY DECIDED TO ORGANIZE THE GROUP THAT
22 EVENTUALLY WOULD BE RESPONSIBLE FOR REVIEWING THESE. AND
23 THAT WAS THEIR FIRST TASK, ONCE BILL PUT HIS GROUP
24 TOGETHER, WAS TO PREPARE THE REGULATIONS. AND THEN THAT
25 GROUP, THAT SAME GROUP OF PEOPLE, BECOMES THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

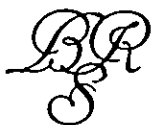
1 CLOSURE/POSTCLOSURE GROUP AFTER THE REGULATIONS ARE IN
2 PLACE.

3 THE PROBLEM IS THAT THERE'S AN OVERLAP OF
4 ABOUT SIX OR SEVEN MONTHS BETWEEN THE TIME THE
5 REGULATIONS ARE APPROVED, HOPEFULLY, AND WHEN WE RECEIVE
6 THE INITIAL CERTIFICATIONS, WHICH IS NOW. SO THE GROUP
7 IS STRAINED AT THE SEAMS JUST TO DO THE REGULATIONS AND
8 GET THEM IN ON TIME, WHICH WE ARE ON SCHEDULE TO DO, AND
9 NOW HAVE TO TAKE A LOOK AT THESE. THAT'S ONE PROBLEM.

10 THE OTHER ONE IS THAT IT DOES REQUIRE A
11 CERTAIN EXPERTISE TO BE ABLE TO LOOK AT ONE OF THESE
12 DOCUMENTS, AND BILL IS GOING TO GO INTO THAT IN SOME
13 DETAIL. AND AS WE'VE TALKED ABOUT IN MANY OTHER MEETINGS
14 WITH YOU, WE DON'T HAVE THAT EXPERTISE RESIDENT HERE AT
15 THE WASTE MANAGEMENT BOARD. I MEAN, YOU NEED A BANKING
16 BACKGROUND, REALLY, TO BE ABLE TO KNOW, AS WELL AS AN
17 ENGINEERING BACKGROUND, TO KNOW WITH A GREAT DEAL OF
18 CERTAINTY WHETHER OR NOT SOME OF THESE MECHANISMS ARE
19 SOUND OR NOT.

20 BUT, HAVING SAID ALL OF THAT, WE DO WANT TO
21 GO THROUGH WITH YOU WHAT WE RECEIVED SO FAR AND SOME
22 IDEAS ARE FOR HOW TO TAKE A LOOK AT THESE.

23 CHAIRMAN GALLAGHER: BEFORE YOU MOVE ON, COULD I
24 ASK YOU A QUESTION? WE DID RETAIN, DIDN'T WE NOT, A
25 FINANCIAL EXPERT TO GIVE US SOME INFORMATION? HAS THAT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 EVER BEEN COMPLETED AND -- HASN'T BEEN BROUGHT BEFORE THE
2 BOARD.

3 MR. IWAHIRO: YES, THAT'S TRUE. AND THOSE FOLKS
4 ARE SUPPOSED TO GIVE US GUIDANCE ON THE REGULATIONS IN
5 TERMS OF WHAT KIND OF MECHANISMS, YOU KNOW, ARE
6 EQUIVALENT TO TRUST FUNDS OR WHAT ARE TRUST FUNDS AND PUT
7 THOSE INTO REGULATIONS. AND THEY WILL BE BACK EITHER
8 NEXT MONTH OR THE MONTH AFTER, MAKING THOSE SUGGESTIONS
9 TO THE BOARD. AND THEN THEY WILL DEVELOP THE REGULATIONS
10 WITH REGARD TO THOSE. WE MAY ALSO BE ABLE TO USE THOSE
11 FOLKS, MAYBE ON THE SIDE, YOU MIGHT SAY, TO HELP US TO
12 EVALUATE SOME OF THESE SUBMITTALS THAT WE HAVE RIGHT NOW.

13 MR. EOWAN: THAT'S GOING TO BE WHAT WE'RE GOING
14 TO RECOMMEND LATER IS THAT PROBABLY SOME KIND OF A
15 COMBINED STAFF AND CONTRACT WHO WILL REVIEW THESE, TO
16 TAKE ADVANTAGE OF THAT GROUP OR SOME OTHER GROUPS'
17 EXPERTISE.

18 CHAIRMAN GALLAGHER: EXCUSE ME, MS. BREMBERG,
19 YOU --

20 BOARD MEMBER BREMBERG: NO, THAT WAS EXACTLY
21 WHAT I WAS GOING TO ASK.

22 MR. EOWAN: BUT INITIALLY THAT CONTRACT WAS TO
23 HELP US WRITE THE REGS, NOT TO DO THIS. BUT THAT WAS
24 THEN; THIS IS NOW.

25 CHAIRMAN GALLAGHER: THIS IS PRESENTING A



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 SIMILAR KIND OF PROBLEM.

2 MR. EOWAN: IT'S A RELATED PROBLEM, YEAH.

3 MR. ORR: IN MY SPARE TIME, WE HAVE BEEN
4 TABULATING THE SUBMITTALS THAT WE RECEIVED THAT BEGAN
5 SHOWING UP IN THE LAST WEEK OR SO OF DECEMBER AND
6 CONTINUE TO TRICKLE IN STILL.

7 AS OF THE DATE THAT THE BOARD AGENDA ITEM
8 WAS PREPARED, WE HAD RECEIVED APPROXIMATELY 200 -- WELL,
9 AS OF NOW, WE'VE RECEIVED 248. WE'VE RECEIVED 17
10 ADDITIONAL ONES SINCE THE BOARD ITEM WAS PREPARED A WEEK
11 OR TWO AGO, SO YOU CAN SEE THEY STILL ARE TRICKLING IN AT
12 A RATE OF ONE OR TWO A DAY.

13 FROM OUR ANALYSIS, WHAT WE'VE DONE IS WE'VE
14 TAKEN THE BOARD'S SWIS LIST OF THE FACILITIES, THE
15 LANDFILL FACILITIES BY OPERATOR, AND WE'VE SENT OUT
16 MAILINGS TO ALL OF THE FACILITY OPERATORS BACK LAST
17 SEPTEMBER AFTER THE BOARD HAD ADOPTED THE GUIDELINES,
18 WITH A COPY OF THE CERTIFICATION GUIDELINES THAT INCLUDED
19 AN INITIAL COST ESTIMATE WORKSHEET. IT ALSO INCLUDED A
20 FORM THAT COULD BE USED BY THE OPERATOR TO MAKE THE
21 CERTIFICATION THAT'S REQUIRED AS THE FIRST MAJOR
22 REQUIREMENT UNDER AB 2448. IT ALSO INCLUDED A FORM THAT
23 WAS TO BE USED BY A PROFESSIONAL CERTIFIED ENGINEERING
24 GEOLOGIST OR A REGISTERED CIVIL ENGINEER WHO PREPARED THE
25 INITIAL COST ESTIMATE. THEN THERE WAS ALSO AN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



barristers'
reporting service

1 ALTERNATIVE CERTIFICATION FORM THAT WAS INTENDED TO TRY
2 TO WEED OUT FACILITIES THAT WE MAY HAVE HAD ON OUR
3 ADDRESS LIST, BUT WHO WERE NOT TECHNICALLY SUBJECT TO
4 THESE NEW REQUIREMENTS.

5 IN THE SUMMARY SHEET THAT YOU SEE THAT I'VE
6 HANDED OUT TO ACCOMPANY THE FULL TABULATED RESULTS THAT
7 WE HAVE, YOU WILL NOTICE THAT FROM THE ADDRESS LIST THAT
8 WE HAVE AND FROM THE FACILITIES THAT WE'VE RECEIVED
9 RESPONSES FROM, OUR BASIC NUMBER IS 415 SOLID WASTE
10 LANDFILLS THAT ARE EITHER ON OUR NUMBER SYSTEM OR THAT
11 WE'VE HEARD RESPONSES FROM.

12 WE'VE RECEIVED ALTERNATIVE CERTIFICATIONS
13 FROM 36 OF THESE FACILITIES, WHICH HAS SEVERAL
14 POSSIBILITIES. EITHER THIS CERTIFICATION INDICATED THAT
15 THEY -- THAT THE OPERATOR OR THE PERSON THAT HAD RECEIVED
16 OUR MAILING BELIEVED THAT THEY WERE NOT A SOLID WASTE
17 LANDFILL AS DEFINED IN AB 2448, OR THEY WERE PHYSICALLY
18 NOT OPERATING THAT FACILITY ON OR AFTER JANUARY 1, 1988.
19 AND THE DISCUSSION WE HAD YESTERDAY ON THE DEFINITION OF
20 OPERATING FITS IN VERY CLOSELY WITH WHETHER THESE
21 FACILITIES ARE SUBJECT TO THIS REQUIREMENT AND THE FUTURE
22 CLOSURE PLAN REQUIREMENTS OF THIS BILL.

23 THE THIRD CHOICE WOULD BE IF THEY ARE A
24 HAZARDOUS WASTE FACILITY AND THEIR FINANCIAL ASSURANCES
25 ARE ALREADY TAKEN CARE OF UNDER THE DEPARTMENT OF HEALTH

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Harristers'
reporting service

1 SERVICES OR THE RCRA SUBTITLE C REQUIREMENTS FOR
2 FINANCIAL ASSURANCES AND ESSENTIALLY NO REASON TO
3 DUPLICATE THAT TYPE OF ASSURANCE.

4 SO WE RECEIVED A TOTAL OF 36 MEETING ONE OF
5 THOSE THREE TESTS. WE DID RECEIVE ONE ADDITIONAL
6 ALTERNATIVE CERTIFICATION THAT INITIAL STAFF REVIEW HAS
7 INDICATED THAT THEY INCORRECTLY SUBMITTED AN ALTERNATIVE
8 CERTIFICATION AND SHOULD, IN FACT, HAVE SUBMITTED THE
9 INITIAL COST ESTIMATE AND THE OTHER CERTIFICATION. THERE
10 MAY BE OTHERS LIKE THIS. IT WILL REQUIRE ADDITIONAL
11 STAFF EVALUATION TO SORT OUT WHETHER THE CLAIMS ARE VALID
12 OR NOT, BUT WE WILL BE LOOKING AT THAT, BUT IT GIVES US A
13 FRAME OF REFERENCE ANYWAY. SO THAT, THEN, LEAVES US WITH
14 379 SUBJECT LANDFILLS, SUBJECT TO THE REQUIREMENTS TO
15 SUBMIT THE CERTIFICATION BY JANUARY 1ST.

16 NOW, THE RESPONSES THAT WE'VE RECEIVED,
17 I'LL CHARACTERIZE THEM AS TABULATIONS RATHER THAN
18 EVALUATIONS BECAUSE WHAT WE DID IS WE CAME UP WITH A --
19 THE HEADINGS THAT YOU WILL FIND ON THE TABULATIONS
20 CHARTS, AND WE WENT THROUGH THEM AND LOOKED AT THEM TO
21 SEE IF WE COULD DETERMINE WHETHER THE PIECES OF
22 INFORMATION THAT THEY SUBMITTED WERE PERTAINING TO ONE OF
23 THOSE HEADINGS.

24 IF WE COULD MAKE THAT DETERMINATION IN A
25 BRIEF REVIEW, THEN WE WOULD DESIGNATE IT AS SUCH. BUT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 IT'S REALLY NOT A QUALITATIVE ASSESSMENT AS TO WHETHER
2 THAT MECHANISM MAY BE ACCEPTABLE OR WHETHER OR NOT THE
3 PLAN FOR THE FINANCIAL ASSURANCE WILL MEET THE
4 REQUIREMENT AT THE TIME OF CLOSURE OR POSTCLOSURE. AND
5 SO THE EVALUATION PROCESS WILL BE WHERE WE GO FROM HERE
6 WITH THIS TABULATED INFORMATION THAT WE'RE PRESENTING TO
7 YOU HERE TODAY.

8 TO GO A LITTLE BIT FURTHER INTO DETAIL ON
9 THE TABULATED RESULTS, WE RECEIVED SOME KIND OF A
10 RESPONSE FROM 248 OF THE LANDFILLS, WHICH REPRESENTS 60
11 PERCENT OF THE LANDFILLS THAT WE HAVE ON OUR LIST. OF
12 THOSE, THE RESPONSES VARIED FROM SOME ATTEMPT TO COMPLY
13 TO SOME COMBINATION OF AN EXTENSION REQUEST OR SOME
14 REASON WHY THEY FELT THAT THEY COULDN'T COMPLY IN THE
15 TIME FRAME THAT WAS REQUIRED IN THE LAW. SO 35 EXTENSION
16 REQUESTS OF SOME SORT WERE RECEIVED.

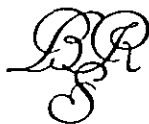
17 WE RECEIVED ONE REQUEST FOR STATE AID,
18 WHERE, ON THE ONE HAND, THE OPERATOR WAS ATTEMPTING TO
19 CERTIFY THAT THEY COULD ENSURE ADEQUATE RESOURCES FOR
20 CLOSURE AND POSTCLOSURE, BUT, ON THE OTHER HAND, THEY
21 SAID THAT THEY REALLY DIDN'T HAVE ANY MONEY AND WERE
22 REQUESTING THE STATE TO -- IF THERE WAS ANY STATE FUNDS
23 AVAILABLE FOR THAT PURPOSE.

24 IN ADDITION TO SOME RESPONSE, WE RECEIVED
25 WHAT WE CHARACTERIZED AS A PARTIAL CERTIFICATION FOR 151

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Harristers'
reporting service

1 OR 40 PERCENT OF THE FACILITIES. NOW, THE DISCREPANCY
2 BETWEEN THE 151 AND THE 248 WOULD INDICATE THAT WE
3 PROBABLY RECEIVED AN INITIAL COST ESTIMATE IN MANY CASES
4 FROM A CONSULTANT OR IN SOME CASES FROM THE OPERATORS,
5 BUT THEY REALLY DID NOT CERTIFY THAT THEY HAD DONE THESE
6 THINGS. AND SO THAT THERE ARE A NUMBER OF PARTIES WHERE
7 WE RECEIVED SOME INFORMATION FROM, BUT DID NOT FULLY
8 COMPLY WITH EVEN THE DOCUMENTATION REQUIREMENTS THAT WE
9 ESTABLISHED.

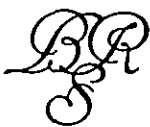
10 SO THEN WE GET DOWN TO THE FINAL NUMBER ON
11 THE BOTTOM, ONES AT FACE VALUE THAT WOULD BE CONSIDERED
12 COMPLETE SUBMITTALS, THAT INCLUDED THE OPERATOR
13 CERTIFICATIONS THAT ARE DESCRIBED ON THE TABLES THAT ARE
14 IN THE BOARD PACKET, INCLUDED THE INITIAL COST ESTIMATE
15 WORKSHEET, THE PROFESSIONAL CERTIFICATION BY THE ENGINEER
16 OR THE GEOLOGIST, AND HAD DESIGNATED THE TYPE OF
17 FINANCIAL MECHANISM AND HAD SENT SOME FORM OF
18 DOCUMENTATION THAT VERIFIES THAT IT, IN FACT, HAD BEEN
19 ESTABLISHED. WE RECEIVED 115 OR 30 PERCENT WITH THAT
20 MINIMAL LEVEL OF COMPLIANCE.

21 IF YOU WILL LOOK AT THE SECOND PAGE OF THE
22 SUMMARY HANDOUT, THIS IS A BREAKDOWN ON WHAT THE ACTUAL
23 FINANCIAL MECHANISMS WERE THAT WERE SELECTED BY THE
24 OPERATORS. AND YOU WILL NOTICE THAT 38 OF THEM SELECTED
25 A TRUST FUND. AND I MIGHT MENTION AT THIS TIME THAT, IN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 ADDITION TO THE 38 THAT ARE DESIGNATED AS TRUST FUNDS, A
2 FEW OF THE OTHERS UNDER THE OTHER CATEGORY ARE SOME FORM
3 OF BANK ACCOUNT THAT REALLY WOULD NOT BE CONSIDERED A
4 TRUST FUND. FEW SMALL OPERATORS ESTABLISHED A BANK
5 ACCOUNT AND SENT A COPY OF A PAGE OUT OF THEIR PASSBOOK,
6 FOR EXAMPLE, OR IN ANOTHER CASE HAD ESTABLISHED A
7 CERTIFICATE OF DEPOSIT WITH A BANK. AND, AGAIN, IT'S
8 WITH A FINANCIAL INSTITUTION, BUT IT PROBABLY WOULDN'T BE
9 CONSIDERED A TRUST FUND.

10 SEVENTY-FOUR OPERATORS INDICATED THAT THEY
11 HAD ESTABLISHED AN ENTERPRISE FUND AS THEIR MECHANISM,
12 WHICH IS -- IN SOME CASES, MET THE REQUIREMENTS UNDER THE
13 CERTIFICATION GUIDELINES THAT IT BE USED ONLY FOR THE
14 PURPOSES OF CLOSURE AND POSTCLOSURE, BUT IN SOME
15 INSTANCES WERE INTENDED FOR OTHER ACTIVITIES AS WELL,
16 CONCEIVABLY THE DEVELOPMENT OR OPERATION OF A FACILITY.
17 AND SO THAT -- ALTHOUGH THE NUMBER 74 REFLECTS ALL OF
18 THOSE, SOME FURTHER EVALUATION BY STAFF WILL DEFINITELY
19 BE IN ORDER ON THOSE ENTERPRISE FUNDS THAT WERE
20 SUBMITTED.

21 NO ONE, AS WE SUSPECTED, WOULD SUBMIT ANY
22 FORM OF MUNICIPAL FINANCING BOND, EITHER GO BONDS OR
23 REVENUE BONDS. THAT'S NOT UNEXPECTED. WE DID RECEIVE
24 TWO CERTIFICATES OF PARTICIPATION. THOSE ARE ANOTHER
25 MECHANISM THAT THE STAFF IS CURRENTLY LOOKING AT TO SEE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 WHAT EXACTLY WAS SUBMITTED IN REGARD TO THOSE MECHANISMS.

2 WE RECEIVED TWO EACH OF THE LETTERS OF
3 CREDIT AND SURETY BONDS. AND IF YOU RECALL FROM THE
4 AUGUST MEETING, ONE OF THE THINGS THAT WAS REQUIRED IN
5 ACCOMPANYING THESE MECHANISMS WAS THAT THERE BE SOME KIND
6 OF A STANDBY TRUST AGREEMENT ESTABLISHED IN WHICH TO PUT
7 MONIES FROM A LETTER OF CREDIT OR SURETY BOND IN THE
8 EVENT THAT THE LANDFILL OPERATOR HAD TO -- OR PAYMENTS
9 HAD TO BE MADE TOWARDS CLOSURE OR POSTCLOSURE.

10 WE WILL -- ANOTHER POINT OF EVALUATION WILL
11 BE WHETHER OR NOT THIS STANDBY AGREEMENT WAS SUBMITTED
12 ALONG WITH THE LETTER OF CREDIT OR SURETY BOND AND ALSO
13 SOME EVALUATION AS TO WHETHER OR NOT THE LETTER WOULD
14 APPROPRIATELY PAY INTO THAT STANDBY MECHANISM.

15 SEVEN OPERATORS SUBMITTED CORPORATE PARENT
16 GUARANTEES, WHICH INCLUDED -- WHICH ARE VERY SIMILAR TO
17 THE NEXT ONE, THE FINANCIAL MEANS TEST. AND MANY OF THE
18 FINANCIAL MEANS TESTS WERE NOT SUBMITTED BY PRIVATE
19 OPERATORS, BUT BY CITIES OR COUNTIES THAT BELIEVE THAT,
20 BASED ON THEIR TANGIBLE NET WORTH AND THE OTHER CRITERIA
21 THAT ARE LISTED UNDER THE FINANCIAL MEANS TEST, THAT THEY
22 WOULD QUALIFY. AND I BELIEVE THAT THE CITY OF GLENDALE
23 IS ONE OF THE PARTIES THAT UTILIZED THE FINANCIAL MEANS
24 TEST.

25 BOARD MEMBER MOSCONE: WHAT IS REQUIRED UNDER

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997



barristers'
reporting service

1 THE CORPORATE PARENT GUARANTEE?

2 MR. ORR: WELL, I DIDN'T BRING THE CERTIFICATION
3 GUIDELINES IN THERE. ONE -- THERE ARE SEVERAL
4 REQUIREMENTS REGARDING THE BOND RATING OF THE COMPANY. I
5 BELIEVE THAT THE COMPANY ALSO HAS TO BE ABLE TO MEET THE
6 FINANCIAL MEANS TEST. SO THERE'S A CRITERIA FOR THE
7 CORPORATE PARENT GUARANTEE, AND THEN THEY ALSO HAVE TO
8 DOUBLE THE REQUIREMENTS OF THE FINANCIAL MEANS TEST.

9 AND THEN FOR THE ONES THAT WE HAVE RECEIVED
10 THE CORPORATE PARENT GUARANTEES, THEY COMMONLY WOULD
11 SUBMIT FINANCIAL STATEMENTS. IN MANY INSTANCES THEIR
12 AUDITING FIRM, QUITE OFTEN ONE OF THE BIG EIGHT
13 ACCOUNTING FIRMS, WOULD SEND IN A LETTER ACCOMPANYING
14 THEIR SELECTION OF THAT MECHANISM TO INDICATE TO US HOW
15 THAT COMPANY MET EACH OF THE TESTS IN THE DIFFERENT AREAS
16 REGARDING BOND RATING AND SO FORTH. SO THERE WAS A
17 NUMBER OF CRITERIA THAT WERE LISTED IN THE CERTIFICATION
18 GUIDELINES FOR BOTH THE FINANCIAL MEANS TEST AND THE
19 CORPORATE PARENT GUARANTEE.

20 THE LAST CATEGORY THAT'S LISTED IS LISTED
21 AS TEMPORARY CONFIDENTIAL, AND YOU MAY HAVE SEEN THAT IF
22 YOU LOOK THROUGH THE TABULATED RESULTS. AND WHAT THAT
23 INDICATES IS THAT THE FIRM SUBMITTING THAT BELIEVES THAT
24 THE ACTUAL -- THE REVELATION OR THE -- THAT THE ACTUAL
25 MECHANISM THAT THEY SELECTED WOULD SOMEHOW BE A TRADE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Barristers'
reporting service

1 SECRET AND THAT SOME OF THEIR COMPETITORS MAY GAIN
2 ADVANTAGE BY KNOWING THAT THEY SELECTED ONE MECHANISM
3 OVER ANOTHER MECHANISM.

4 AS PART OF THE REGULATIONS PROCESS, WE WILL
5 BE BRINGING BEFORE YOU -- AND THIS SHOULD OCCUR NEXT
6 MONTH AS WELL -- SOME TRADE SECRET OR PROVISIONS FOR
7 CONFIDENTIALITY BECAUSE INFORMATION WOULD BE CONSIDERED
8 EXEMPT FROM DISCLOSURE UNDER THE PUBLIC RECORDS ACT. FOR
9 NOW, WE ARE CONSIDERING THIS REQUEST AS BEING A TEMPORARY
10 CONFIDENTIAL UNTIL WE ACTUALLY HAVE A PROCESS BY WHICH TO
11 DETERMINE WHETHER, IN FACT -- WHAT LEVEL OF INFORMATION
12 COULD BE PROTECTED.

13 SO IN THE CASE OF THE SIX OPERATORS OR THE
14 OPERATORS OF THE SIX LANDFILLS THAT ARE LISTED AS
15 TEMPORARY CONFIDENTIAL, THEY HAVE SPECIFIED TO US THE
16 MECHANISM THAT THEY HAVE SELECTED, BUT THEY DON'T WANT
17 THAT DISCLOSED AT THIS TIME. WE DID RECEIVE, ALONG WITH
18 THIS REQUEST AT THIS LEVEL, SEVERAL OTHER REQUESTS FOR
19 CONFIDENTIALITY. I BELIEVE THEY TOTALED FOUR OR FIVE
20 SEPARATE REQUESTS WHICH COMPRISED, IN SOME INSTANCES,
21 MORE THAN ONE LANDFILL.

22 THE OTHER REQUESTS FOR CONFIDENTIALITY WERE
23 NOT TO THIS LEVEL. THEY PERTAINED, GENERALLY, TO
24 FINANCIAL RECORDS WHERE THEY WERE SUBMITTED EITHER FOR
25 THE CORPORATE PARENT GUARANTEE OR THE FINANCIAL MEANS

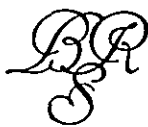
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers'
reporting service

1 TEST, AND THOSE FINANCIAL RECORDS ARE NOT PUBLIC
2 INFORMATION READILY ACCESSIBLE. SOME OF THE FINANCIAL
3 RECORDS THAT WERE SUBMITTED WERE NOT DEEMED TO BE -- BY
4 THE OPERATORS SUBMITTING THEM TO BE CONFIDENTIAL BECAUSE
5 THEY'RE AVAILABLE EITHER THROUGH THE SEC OR PART OF THEIR
6 ANNUAL REPORT IF THEY'RE A PUBLICLY HELD COMPANY.

7 SOME OF THE OTHER REQUESTS FOR
8 CONFIDENTIALITY PERTAINED TO THE ACTUAL COST ESTIMATE
9 WORKSHEETS. IN ONE INSTANCE THE COMPANY THAT WAS
10 CLAIMING IT HAD NO PROBLEM WITH THE SUMMARY SHEET THAT
11 DESCRIBED THE OVERALL COSTS OF DISCLOSURE BEING
12 DISCLOSED, BUT THEY WANTED THE DETAIL BREAKDOWN IN EACH
13 OF THE ITEMS REGARDING CLOSURE AND POSTCLOSURE, FOR THAT
14 INFORMATION TO BE CONFIDENTIAL.

15 I'M TELLING YOU THE NATURE OF THESE AT THIS
16 POINT, AND I'M NOT -- I'M NOT REALLY GIVING AN INDICATION
17 WHETHER ANY PARTICULAR LEVEL OF THESE CLAIMS IS VALID OR
18 NOT. IT JUST REPRESENTS THE RANGE OF THESE CLAIMS THAT
19 WE'VE RECEIVED, AND WE'LL BE ATTEMPTING TO DEAL WITH
20 THESE SITUATIONS MORE IN OUR REGULATIONS DEVELOPMENT
21 EFFORT.

22 I COULD GO THROUGH AND HIGHLIGHT ANY OTHER
23 TYPES OF INFORMATION FOR YOU. I MIGHT POINT OUT THAT
24 THERE WERE A COUPLE OF ODDITIES THAT ARE REFLECTED ON THE
25 TABULATIONS THERE AS WELL. WHAT I MEAN BY ODDITIES IS ON

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers'
reporting service

1 THE FIRST PAGE OF THE TABULATION SHEET, YOU WILL NOTICE
2 THAT THE EASTERN ALAMEDA COUNTY DISPOSAL SITE, A
3 CERTIFICATION WAS SENT IN BY AN OPERATOR THAT HAS --
4 THAT'S IN THE PROCESS OF PURCHASING THE LANDFILL. AND SO
5 ON THE ONE HAND, THE CURRENT OPERATOR HAS NOT MADE THE
6 CERTIFICATION. THE ONE THAT IS PURCHASING THIS LANDFILL
7 HAS MADE SORT OF A CONTINGENCY ORIENTED ASSURANCE ON
8 THEIR BEHALF. SO THAT'S ONE OF THE ODDITIES THAT WE
9 RECEIVED. ANOTHER ODDITY THAT IS IN THERE --

10 BOARD MEMBER BREMBERG: CONTRA COSTA COUNTY
11 REQUESTED EXTENSIONS.

12 MR. ORR: YOU CAN IMAGINE WHAT THE NATURE OF THE
13 REQUEST FOR THE EXTENSION WAS. IT HAD TO DO WITH MANY OF
14 THE ISSUES THAT THE BOARD HAS BEEN HEARING ABOUT.

15 THE ONE THAT I MENTIONED PREVIOUSLY THAT
16 HAD SUBMITTED AN ALTERNATIVE CERTIFICATION DID SO ON THE
17 CLAIM THAT A LANDFILL LOCATED ON CATALINA ISLAND HAD --
18 WAS EXEMPT FROM THE NECESSITY -- WELL, WAS EXEMPT FROM
19 THE PROVISIONS AGAINST OPEN BURN DUMPS; THEREFORE,
20 BECAUSE THEY WERE A BURN DUMP, SOMEHOW THEY WEREN'T A
21 SOLID WASTE LANDFILL AND WERE NOT SUBJECT TO DOING THIS.
22 WE'LL BE BRINGING THAT BACK TO YOUR ATTENTION AT SOME
23 POINT IN THE FUTURE. BUT I JUST WANT TO SORT OF HEIGHT
24 LIGHT A FEW OF THE FOOTNOTES ON HERE.

25 CHAIRMAN GALLAGHER: BILL, ON THE ONE ON



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 CATALINA, WHO OPERATES THAT BURNING DUMP OVER THERE? IS
2 THAT RUN BY THE CITY?

3 MR. ORR: I BELIEVE IT'S PRIVATELY OPERATED. WE
4 HAVE BEEN IN CONVERSATION WITH THEM. AFTER WE RECEIVED
5 THIS, WE RECEIVED FURTHER INQUIRIES REGARDING THE
6 APPLICABILITY OF THIS TO THEM. BUT IT DOES SORT OF POINT
7 OUT SOME OF THE DIFFERENT THINGS THAT YOU RUN INTO HERE.

8 WE HAVE RECEIVED SIMILAR KINDS OF THINGS,
9 LIKE THIS EXCEPTION FROM THE BURN DUMP, FOR FACILITIES
10 THAT MAY HAVE RECEIVED EXEMPTIONS FROM A COUNTY FROM THE
11 NEED TO HAVE A SOLID WASTE FACILITIES PERMIT. NOW, EVEN
12 THOUGH THEY MAY BE EXEMPT FROM THE NEED TO HAVE A PERMIT,
13 THAT WOULD NOT, IN AND OF ITSELF, EXEMPT THEM FROM THE
14 DEFINITION OF A SOLID WASTE LANDFILL THAT'S INCLUDED IN
15 THIS LAW. SO THAT'S -- YOU KNOW, WHERE A LANDFILL HAS AN
16 EXEMPTION OF SOME TYPE FROM SOME THING, IT'S SORT OF
17 CLOUDED TO A CERTAIN EXTENT THE SUBMITTAL THAT WE
18 RECEIVED. SO WE'LL BE PURSUING THAT AS WELL.

19 CHAIRMAN GALLAGHER: SOMETIME ALONG ABOUT
20 MEMORIAL DAY, IF YOU NEED TO GO OVER AND INSPECT THAT
21 PLACE AND CAN ARRANGE IT ABOUT A FRIDAY, I'M SURE I CAN
22 ARRANGE THREE OR FOUR OR FIVE MEMBERS OF THE BOARD TO
23 ACCOMPANY YOU TO GIVE IT A REAL GOOD LOOKSEE.

24 BOARD MEMBER ARAKALIAN: I HAVE JUST THE YACHT
25 YOU CAN HIRE.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

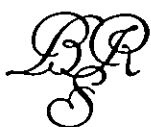
1 CHAIRMAN GALLAGHER: I USED TO SPEND ALL MY
2 LABOR DAYS THERE, AND I'D BE HAPPY TO GO BACK.

3 MR. ORR: OKAY. I APPRECIATE THE OFFER.

4 THE LAST FOOTNOTE THAT I'D LIKE TO MAKE TO
5 THE TABULATIONS THAT ARE INCLUDED, THERE WAS ONE
6 FACILITY -- AND, IN FACT, THIS HAS LED US TO SORT OF A
7 CATEGORY IN AND OF ITSELF. THERE WAS ONE FACILITY WHERE
8 WE RECEIVED A LETTER SAYING THAT THE PREVIOUS OPERATOR
9 THAT WAS ON OUR LIST HAS RECENTLY SOLD THE LANDFILL. AND
10 SO, ON THE ONE HAND, THE PARTY THAT WE HAD SENT OUR
11 INFORMATION TO, BASED ON OUR CURRENT ADDRESSES, WAS NO
12 LONGER, APPARENTLY, THE OPERATOR OF THAT LANDFILL.
13 SOMEONE IS NOW. AND SO THAT RAISES SEVERAL OTHER
14 QUESTIONS, AS YOU MIGHT IMAGINE, ALONG WITH THAT.

15 SO THAT PRETTY MUCH DESCRIBES THE NATURE OF
16 THE SUBMITTALS THAT WE RECEIVED AT THIS POINT. SO WITH
17 THAT, I'D LIKE TO TALK, THEN, ABOUT WHAT OUR PLANS ARE.
18 WHERE DO WE PLAN ON GOING FROM HERE WITH THE SUBMITTALS,
19 BOTH TO RECEIVE THE INFORMATION FROM THE PARTIES, THE 40
20 PERCENT THAT HAVE ESSENTIALLY NOT RESPONDED IN ANY FORM,
21 AND TO ALSO PURSUE GETTING THE ADDITIONAL INFORMATION
22 THAT WOULD REQUIRE TO BE CONSIDERED A COMPLETE SUBMITTAL
23 AS DESCRIBED ON THAT SUMMARY SHEET, THAT WOULD THEN ALLOW
24 THE STAFF TO ANALYZE IT AND BRING IT FORWARD TO YOU.

25 THE FIRST -- THIS FIRST THING THAT WE'VE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

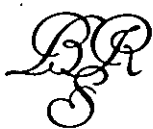
1 DONE, AND THAT I THINK THE TABULATION SHEETS REFLECTS
2 THAT, IS THAT THERE WOULD BE AN INITIAL SCREENING AS TO
3 WHETHER ALL OF THE THREE ELEMENTS OF THE CERTIFICATION
4 ARE COMPLETE, THAT EITHER THEY HAVE UTILIZED THE
5 CERTIFICATION FORM THAT WAS IN THE GUIDANCE DOCUMENT, OR
6 THEY HAVE PREPARED THEIR OWN CERTIFICATION STATEMENT THAT
7 MEETS THE REQUIREMENTS OF THE LAW FOR THE THREE ELEMENTS
8 OF THE CERTIFICATION, THAT THEY'VE DONE THE INITIAL COST
9 ESTIMATE, ESTABLISHED A FINANCIAL MECHANISM, AND THAT THE
10 FUNDING OF THAT MECHANISM WILL ENSURE PROPER, ADEQUATE
11 RESOURCES FOR CLOSURE AND POSTCLOSURE MAINTENANCE.

12 FIRST THING WE NEED TO DO IS GET THAT
13 CERTIFICATION COMPLETE. WE ARE PREPARING LETTERS TO SEND
14 OUT IN REGARD TO THE PARTIES THAT WE HAVE NOT RECEIVED
15 THAT INFORMATION FROM.

16 MR. EOWAN: HOLD ON JUST A SECOND, BILL, BEFORE
17 YOU GET TO THAT PART OF IT.

18 THERE ARE SOME VAGARIES IN THE WAY THE LAW
19 IS WRITTEN THAT GIVE US A NEED TO MAKE SOME DECISIONS ON
20 HOW WE'RE GOING TO PROCEED. AND THE FIRST ONE IS THAT
21 THE LAW SAYS YOU HAVE TO HAVE ONE OF THESE IN TO US BY
22 JANUARY 1, 1989. AND BILL HAS PRESENTED TO YOU A LIST OF
23 THOSE THAT HAVE EITHER COMPLETELY OR PARTIALLY MET THAT
24 REQUIREMENT.

25 SO THEN THERE'S ANOTHER SET OF OPERATORS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 THAT HAVE NOT. AND WHAT BILL WANTS TO DO IS OUTLINE FOR
2 YOU A PROCEDURE TO DEAL WITH BOTH SETS; OR IF YOU WANT
3 TO, YOU COULD EVEN DIVIDE IT INTO THREE, COMPLETE,
4 PARTIAL, AND NOT AT ALL, HOWEVER YOU WANT HIM TO DO THAT.

5 HOW ONE GOES ABOUT ENFORCING -- HOW THIS
6 BOARD GOES ABOUT ENFORCING THE LAW FOR THE GROUP THAT HAS
7 NOT GIVEN US ANYTHING, I'M GOING TO ASK BOB CONHEIM TO
8 DETAIL FOR YOU WHAT OUR OPTIONS ARE, AND IT'S GOING TO
9 SOUND VERY FAMILIAR. THAT'S FOR THE PERIOD BETWEEN NOW,
10 JANUARY '89, AND THE TIME THE REGULATIONS ARE IN FORCE.

11 ONCE THE REGULATIONS ARE IN FORCE, THEN
12 THERE'S A WHOLE SERIES OF THINGS THAT HAVE TO OCCUR IN
13 ADDITION, SUCH AS EVALUATING WHETHER OR NOT THE FINANCIAL
14 MECHANISM, IF IT'S NOT A TRUST FUND, IS ACCEPTABLE BY THE
15 BOARD. AND THAT'S GOING TO REQUIRE ADDITIONAL EXPERTISE
16 AND EVALUATION ON AN ENGINEERING LEVEL TO GIVE YOU SOME
17 KIND OF FEEL AND RECOMMENDATION ON EACH OF THOSE.

18 AND I THINK WHAT WE'RE GOING TO BE
19 SUGGESTING AT THAT POINT IS THE BOARD TAKE AN ACTION ON
20 ALL OF THOSE ALTERNATIVE FINANCIAL MECHANISMS, AND THAT
21 NUMBER COULD BE QUITE LARGE; THAT IS, THE NUMBER OF
22 ACTIONS THAT YOU TAKE.

23 CHAIRMAN GALLAGHER: MAY I ASK A QUESTION. AT
24 THAT POINT DO YOU INTEND, WHEN MR. CONHEIM HAS HIS SAY,
25 TO TELL US WHAT REGULATORY POWERS WE HAVE IN THIS REGARD

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service.

1 AND THE QUESTION OF PENALTIES, ETC., ETC.?

2 MR. EOWAN: LET'S GO RIGHT TO BOB THEN FIRST.

3 ATTORNEY CONHEIM: IN CASE I MISS ANY LITTLE
4 PART OF THIS, BILL IS INTIMATELY FAMILIAR WITH THIS, AND
5 I WOULD LIKE YOU TO FEEL FREE TO INTERRUPT.

6 BASICALLY, THERE IS AN ANOMALY IN THE LAW,
7 WHICH REQUIRES THAT THE CERTIFICATIONS WHICH BILL HAS
8 BEEN DESCRIBING TO YOU, WHICH HAVE THREE REQUIREMENTS TO
9 THEM, BE SUBMITTED JANUARY 1ST; BUT THE REGULATIONS THAT
10 WILL DETAIL THE ACCEPTABLE FINANCIAL MECHANISMS AREN'T
11 DUE TO BE IN PLACE UNTIL JULY.

12 SO THAT -- THERE'S STILL A REQUIREMENT THAT
13 LANDFILL OPERATORS CERTIFY JANUARY 1. SO THAT WHAT --
14 WHAT BILL WILL DETAIL TO YOU IS A HIERARCHY OF
15 ENFORCEMENT BECAUSE THE THING THAT WE HAVE ABSOLUTELY --
16 ABSOLUTE AUTHORITY TO ENFORCE IS AGAINST THOSE OPERATORS
17 WHO HAVE NOT SUBMITTED ANYTHING AT ALL OR WHO HAVE --
18 WHOSE PARTIAL CERTIFICATIONS ARE SO INCOMPLETE THAT THEY
19 DON'T EVEN ATTEMPT TO MEET THE REQUIREMENTS OF THIS
20 JANUARY 1 STATUTE.

21 THE AREA WHERE WE HAVE A LITTLE MORE
22 PROBLEM, AT LEAST FOR THE FIRST SIX MONTHS, IS IN MAKING
23 A DECISION AND THEN APPLYING THAT DECISION AGAINST AN
24 OPERATOR WHO SELECTED SOME PARTICULAR FINANCIAL MECHANISM
25 BECAUSE THE BOARD IS NOT DUE TO MAKE THE DECISION ON

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers'
reporting service

1 ACCEPTABLE MECHANISMS UNTIL AFTER THE ICF CORPORATION,
2 THE CONTRACTOR, HAS PRESENTED ITS ANALYSIS ON FINANCIAL
3 MECHANISMS AND THE BOARD HAS MADE ITS CHOICES ABOUT WHICH
4 FINANCIAL MECHANISMS WILL BE ACCEPTABLE AND ADOPT THE
5 REGULATIONS.

6 SO AT THIS POINT, THERE ARE A NUMBER OF
7 PEOPLE WHO HAVE NOT SUBMITTED AT ALL OR WHOSE SUBMISSIONS
8 ARE SO INCOMPLETE THAT THEY NEED TO BE TOLD THAT THEY
9 HAVEN'T EVEN MET THE LETTER OF LAW THAT WE CAN ENFORCE AT
10 THIS POINT. SO THAT'S ONE -- THAT'S THE HIGHEST LEVEL IN
11 THE HIERARCHY OF ENFORCEMENT, AND WE CAN REFER THEM TO
12 THE ATTORNEY GENERAL. AND I'M CERTAIN THAT THE WAY THEY
13 OPERATE IS TO AGREE WITH US. WE'LL HELP WRITE THE LETTER
14 THAT -- ESTABLISHING A TIMELINE, AND WE GO DOWN THE ROAD
15 ON THAT ONE.

16 THAT'S ABOUT THE -- RIGHT NOW, I THINK WE
17 HAVE A REQUIREMENT UNDER THE LAW TO ENFORCE THESE INITIAL
18 CERTIFICATIONS. AND I'VE BEEN RECOMMENDING TO STAFF AND
19 STAFF HAS BEEN ASKING ME FOR THAT RECOMMENDATION, THAT WE
20 OUGHT TO BE ABLE TO DO THAT.

21 CHAIRMAN GALLAGHER: THERE IS ONE DIFFERENCE,
22 HOWEVER, IN REFERRING IT TO THE AG IN THIS CASE THAN IN
23 MOST CASES. I WOULD IMAGINE THAT YOU WOULD BE GOING
24 AGAINST PRIVATE OPERATORS RATHER THAN GOVERNMENTAL
25 AGENCIES. IS THAT A REASONABLE STATEMENT?

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Barristers'
reporting service

1 ATTORNEY CONHEIM: IT'S 45-55.

2 MR. EOWAN: IN MANY CASES THAT'S TRUE. IF YOU
3 LOOK AT THE NUMBERS, THERE'S MORE -- THE BIGGEST SET OF
4 SUBMITTALS ARE ENTERPRISE FUNDS, WHICH WOULD INDICATE
5 THAT THEY'RE GOVERNMENTAL AGENCIES. SO, YEAH, I THINK IN
6 MOST CASES YOU ARE PROBABLY RIGHT, BUT NOT ALWAYS.

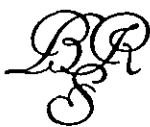
7 ATTORNEY CONHEIM: THAT'S CORRECT. UNLIKE
8 COSWMPS, THERE ARE NO PRIVATE ADOPTERS OF COSWMPS.

9 CHAIRMAN GALLAGHER: THAT WAS MY POINT. SO THE
10 OLD BUGABOO OF NOT SUING A BROTHER AGENCY OR SOMETHING
11 WILL NOT ENTER INTO IT AS MUCH AS IT MIGHT ON COSWMPS.

12 DO YOU HAVE IN YOUR COMMENTS A TIMELINE OF
13 WRITING TO THEM, GIVING THEM SO MUCH TIME OR WHAT HAVE
14 YOU?

15 MR. EOWAN: IT WAS AT THAT POINT, I INTERRUPTED
16 HIM.

17 MR. ORR: OKAY. WE'VE BEEN WORKING ON A LETTER
18 THAT HAS BEEN REVIEWED INTERNALLY. AND WHAT WE WOULD BE
19 LOOKING AT IS GIVING THEM ON THE ORDER OF TWO WEEKS TO
20 RESPOND. THE -- IN REGARD TO THE EXTENSION REQUESTS THAT
21 I ALLUDED TO EARLIER IN THE PRESENTATION, THERE REALLY IS
22 NOT -- THERE IS NOT A PROCESS TO PROVIDE AN EXTENSION
23 UNDER THE LAW. AND SO ALTHOUGH THEY ARE CURRENTLY IN
24 VIOLATION OF THE LAW IN THE DUE PROCESS -- AND BOB CAN
25 CORRECT ME IF I'M WRONG IN THIS AREA -- WE STILL NEED TO



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

barristers'
reporting service

1 GIVE THEM AN OPPORTUNITY TO RESPOND TO US. THEY ARE IN
2 APPARENT VIOLATION OF THE LAW AT THIS TIME, HOWEVER.

3 SO WE WOULD, YOU KNOW, PROCEED WITH THOSE
4 LETTERS IN THE INSTANCES WHERE EXTENSION REQUESTS HAVE
5 BEEN SENT TO US AND WHERE WE'VE HEARD ABSOLUTELY NOTHING
6 FROM THEM. THAT WOULD GO TO ALL OF THOSE ONES AND AS
7 WELL AS THE ONES WHERE IT WAS CLEAR THAT NOT ALL THREE
8 ELEMENTS OF THE CERTIFICATION HAD BEEN PERFORMED.

9 CHAIRMAN GALLAGHER: EXCUSE ME. MAY I INTERRUPT
10 AND ASK ARE THERE ANY CIVIL PENALTIES IN THIS LAW THAT
11 CAN BE EXACTED FOR FAILURE TO COMPLY?

12 MR. ORR: NO, THERE ARE NOT ANY SPECIFIC
13 PENALTIES LISTED. THE ONLY REAL PROVISION THAT DEALS
14 WITH THE BOARD'S ENFORCEMENT HAS TO DO WITH GIVING THE
15 BOARD THE GENERAL AUTHORITY TO USE ANY ENFORCEMENT REMEDY
16 TO ENFORCE THIS ENTIRE PROGRAM, BUT THERE IS NOT A
17 SPECIFIC FINE OR SOMETHING LIKE THAT THAT GOES ALONG WITH
18 NOT COMPLYING. IN FACT, AS YOU MIGHT IMAGINE, ONE OF THE
19 MOST FREQUENT QUESTIONS THAT WE'VE GOTTEN ON THE
20 TELEPHONE HAS BEEN WHAT ARE YOU GOING TO DO TO US IF WE
21 DON'T COMPLY, AND --

22 CHAIRMAN GALLAGHER: I THOUGHT -- THAT'S WHAT I
23 WAS GETTING AT, BUT I GUESS IT WOULD BE POSSIBLE TO
24 WITHDRAW THEIR FACILITIES PERMIT AND SHUT THEM DOWN.

25 MR. EOWAN: YES, IT WOULD.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 MR. ORR: OUR GENERAL RESPONSE HAS BEEN THAT ANY
2 OF THE ENFORCEMENT ACTIONS THAT WOULD BE GENERALLY
3 AVAILABLE TO THE BOARD UNDER THE GOVERNMENT CODE COULD BE
4 APPLIED.

5 CHAIRMAN GALLAGHER: EXCUSE THE INTERRUPTION.

6 MR. ORR: OKAY. SO WHAT WE PLAN ON DOING IN
7 THOSE INSTANCES IS NOTIFYING THE LANDFILL OPERATORS THAT
8 THEY HAVE NOT COMPLIED WITH THE REQUIREMENTS AND GIVING
9 THEM A TIME FRAME IN WHICH TO COMPLY. IT'S NOT EVEN A
10 TIME FRAME WITHIN WHICH TO RESPOND, BUT RATHER TO COMPLY.

11 THEN IF, IN FACT, WE'VE RECEIVED THE THREE
12 REQUIRED ELEMENTS OF THE CERTIFICATION, THERE IS
13 ADDITIONAL INFORMATION THAT WE REQUESTED ALONG WITH THE
14 CERTIFICATION ITSELF TO GIVE US SOME COMFORT LEVEL WITH
15 WHETHER OR NOT THE ACTIVITIES HAVE BEEN ACCOMPLISHED OR
16 NOT. SOME -- IN SOME INSTANCES IT'S -- SOME OF THE
17 SUBMITTALS SOMEWHAT CONFLICT WITH OTHER PARTS OF THE
18 SUBMITTAL. FOR EXAMPLE, ON THE ONE HAND THEY MAY SAY
19 THAT THEY'VE -- THEY MAY CERTIFY TO THE FACT THAT THEY'VE
20 ESTABLISHED A TRUST FUND, BUT ON THE OTHER HAND, IN THEIR
21 COVER LETTER, THEY MAY SAY THAT THEY'RE GOING TO
22 ESTABLISH A TRUST FUND. SO SOMETIMES IT'S NOT CLEAR AS
23 TO WHETHER THE ACTIVITY IS BEING CONTEMPLATED OR HAS
24 ACTUALLY BEEN ACCOMPLISHED.

25 SO WHEN WE DID THIS, WE REQUESTED WITH EACH



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 OF THE INDIVIDUAL MECHANISMS CERTAIN TYPES OF
2 DOCUMENTATION BE SUBMITTED ALONG WITH THE CERTIFICATION
3 TO VERIFY THAT THE MECHANISM HAD ACTUALLY BEEN
4 ESTABLISHED.

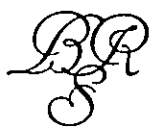
5 AND THE THIRD AND PROBABLY MOST DIFFICULT
6 AREA TO DEAL WITH IS ACTUALLY THE FUNDING OF THAT
7 MECHANISM. AND WHAT WE HAVE SAID IN LETTERS TO THE
8 OPERATORS IS THAT IT'S NOT NECESSARY FOR THEM TO FULLY
9 FUND THE CLOSURE OR THE ONE INCREMENT, ANNUAL INCREMENT,
10 OF A CLOSURE OF A LANDFILL; HOWEVER, THEY STILL NEED TO
11 COMPLY WITH THAT THIRD ELEMENT OF THE CERTIFICATION. AND
12 SO IT MAY BE NECESSARY THAT THEY SEND SOME KIND OF
13 DOCUMENTATION AS TO HOW THE MECHANISM WOULD BE FUNDED TO
14 ACHIEVE THE COST ESTIMATE AND SORT OF LINK THOSE TWO
15 THINGS TOGETHER.

16 IN SOME INSTANCES, IT ONLY MAKES SENSE TO
17 HAVE FULL FUNDING OF THAT MECHANISM, LIKE A LETTER OF
18 CREDIT OR A SURETY BOND OR INSURANCE POLICY, AND THE ONES
19 THAT I'VE REVIEWED INITIALLY HAVE BEEN ON THAT ORDER THAT
20 THERE'S BEEN, YOU KNOW, ONE EQUALS THE OTHER. THERE
21 COULD BE SOME FAIRLY DETAILED PLANS SUBMITTED BY EITHER
22 PUBLIC OR PRIVATE OPERATORS IN TERMS OF HOW THEY INTEND
23 ON FUNDING CLOSURE WHEN IT COMES. AND SO THAT'S GOING TO
24 BE A DIFFICULT AREA FOR US TO JUST SCREEN ONE WAY OR THE
25 OTHER.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Barristers'
reporting service

1 BUT IF ALL OF THE REQUESTED ITEMS OF
2 DOCUMENTATION HAVE BEEN RECEIVED, THEN WE CAN PROCEED TO
3 EVALUATE THE SUBMITTAL. SO LOOKING AT THE SUMMARY SHEET
4 THAT I GAVE YOU, THE 115 OF THE SUBMITTALS WOULD SEEM TO
5 BE IN THE PLACE WHERE THEY COULD THEN BE EVALUATED BY THE
6 STAFF. AND WHAT WE COULD LOOK AT WOULD BE WHETHER OR NOT
7 THE COST ESTIMATE SEEMS REASONABLE OR IF THERE WAS ANY
8 GROSS ERROR OR DEFICIENCY IN THE VALUES THAT WERE USED OR
9 IF SOME SECTION OF THE WORKSHEET WAS TOTALLY NEGLECTED
10 AND WAS NOT -- THERE WAS NO EXPLANATION GIVEN FOR THIS.

11 ON THE OTHER HAND, THE BOARD DID ADOPT THE
12 CERTIFICATION GUIDELINES ON NOT TO ENFORCE DIRECTLY, BUT
13 TO AID THE OPERATORS, GIVING THEM SOMETHING THEY COULD DO
14 TO COMPLY WITH THE LAW. AND WITHIN THAT GUIDELINES
15 DOCUMENT, THERE ARE CRITERIA UNDER THE FINANCIAL MEANS
16 TEST, THERE IS DOCUMENTATION REQUIRED; AND IF THEY MET
17 THE LETTER OF WHAT IS CALLED FOR IN THE CERTIFICATION
18 GUIDELINES, THEN FOR THIS INITIAL CERTIFICATION, WE WOULD
19 BRING THAT TO THE BOARD IN SORT OF A CONSENT FORM, THAT
20 THEY'VE COMPLIED WITH THE GUIDELINES THAT WERE ADOPTED BY
21 THE BOARD BACK IN AUGUST. AND THAT WE WOULD BRING A LIST
22 OF THE FACILITIES THAT HAD DONE THAT, INDICATE -- SHOW
23 THE CHECKLIST AND SO FORTH THAT SHOW THAT THEY HAD, IN
24 FACT, COMPLIED WITH THE DIFFERENT THINGS THAT WERE
25 REQUESTED IN THE GUIDELINES AND BRING THAT FOR YOUR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



barristers'
reporting service

1 APPROVAL IN THAT MANNER.

2 CHAIRMAN GALLAGHER: I WOULD THINK THAT -- THAT
3 WAS GOING TO BE A BIG QUESTION WITH ME WITH 415 OR MORE
4 LANDFILLS, YOU HAVE TO BRING THOSE THINGS INDIVIDUALLY TO
5 THE BOARD, WE'D HAVE AN AGENDA WE'D NEVER GET OUT OF
6 HERE. YOU'LL HAVE TO BRING THEM, I WOULD THINK, IN A
7 CONSOLIDATED FORM, LOGISTICALLY, OTHERWISE WE WOULDN'T BE
8 ABLE TO HANDLE THEM.

9 MR. ORR: THAT'S CORRECT: AND IT ALSO HAS THE
10 DOUBLE EDGE IN THAT, AS MR. EOWAN MENTIONED PREVIOUSLY,
11 EVERY MINUTE THAT WE CONTRIBUTE TO REVIEWING OR
12 EVALUATING THESE CERTIFICATIONS IS ONE LESS MINUTE THAT
13 WE HAVE TO ACTUALLY MOVE FORWARD WITH THE REGULATIONS.
14 AND SO IN PROPOSING OR BRINGING TO YOU THIS DISCUSSION
15 TODAY, ONE OF THE MAJOR OBJECTIVES IS TO MINIMIZE THE
16 STAFF TIME AND THE BOARD'S TIME IN CONSIDERING THIS
17 INITIAL CERTIFICATION.

18 MR. EOWAN: ON THE OTHER HAND, MINIMIZING IT
19 DOESN'T MEAN THAT WE'RE NOT GOING TO PAY A LOT OF
20 ATTENTION TO IT BECAUSE IT'S CLEARLY THE INTENT OF THE
21 LEGISLATURE TO HAVE THESE IN PLACE. I MEAN, THAT WAS
22 PROBABLY THE BIGGEST SINGLE MOTIVATION FOR THE WHOLE BILL
23 WAS TO HAVE FINANCIAL MECHANISMS FOR CLOSURE OF
24 FACILITIES AND AS SOON AS POSSIBLE. THAT'S WHY THE BILL
25 WAS AN URGENCY BILL. THAT'S WHY JANUARY '89 IS IN THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 LAW. SO, YOU KNOW, WE HAVE TO PAY VERY CAREFUL ATTENTION
2 TO IT.

3 CHAIRMAN GALLAGHER: WELL, THE THING I'M
4 CONCERNED ABOUT IS WE HAVE ESSENTIALLY 12 MEETINGS A
5 YEAR, SOMETIMES MORE. AND WHEN YOU JUST TAKE A LOOK AT
6 THE MAGNITUDE OF THE NUMBERS HERE, IF WE HAVE TO
7 INDIVIDUALLY CONSIDER EVERY ONE AT A BOARD MEETING, WE'RE
8 GOING TO HAVE TO HAVE MORE THAN ONE BOARD MEETING A MONTH
9 JUST IN ORDER TO GET THROUGH THE CERTIFICATION PROCESS OF
10 THE MECHANISM CHOSEN.

11 MR. EOWAN: YEAH, THAT'S RIGHT.

12 CHAIRMAN GALLAGHER: SO I'M JUST STRIKING AROUND
13 IN MY OWN HEAD HOW CAN IT BE DONE SO THAT WE CAN GET ONE
14 VOTE TO COVER SEVERAL, IF YOU SEE WHAT I MEAN.

15 MR. EOWAN: OH, YES, I UNDERSTAND EXACTLY WHAT
16 YOU MEAN. AND THAT -- AS BILL POINTED OUT, THAT WOULD BE
17 OUR OBJECTIVE TO MAKE IT AN EFFICIENT PROCESS. NOT
18 HAVING LOOKED AT THEM ALL THAT CLOSELY THOUGH, IT'S A
19 LITTLE BIT DIFFICULT, WITH ANY CERTAINTY, TO SAY THAT'S
20 WHAT WE'RE GOING TO BE ABLE TO DO. WE SHOULD TAKE A LOOK
21 AT IT.

22 CHAIRMAN GALLAGHER: JUST A CONCERN I HAVE.

23 MR. ORR: I SHARE YOUR CONCERN.

24 IN TERMS OF WHAT WE HAVE TO LOOK AT, ONE OF
25 OUR CONCERNS AT STAFF IS THE -- NOT ONLY THE CONTENT, BUT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

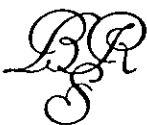
barristers'
reporting service

1 THE FORMAT OF THE SUBMITTALS. I BELIEVE THAT WE'VE DONE
2 QUITE A BIT TO RECEIVE UNIFORM SUBMITTALS BY PUTTING OUT
3 THAT CERTIFICATION GUIDELINES DOCUMENT BECAUSE THAT WAS
4 SOMETHING THAT WE WERE FAMILIAR WITH AND THAT THE
5 OPERATOR COULD LOOK AT AND SAY, "WELL, HERE'S A MODEL FOR
6 WHAT I CAN DO." AND SO THAT, TO A CERTAIN EXTENT, MAKES
7 IT EASIER ON US.

8 BUT THERE ARE SOME OF THE MECHANISMS, BUT
9 BY VIRTUE OF THEM, THE FINANCIAL MEANS TEST AND THE
10 CORPORATE PARENT GUARANTEE, BY NATURE ARE GOING TO
11 REQUIRE CERTAIN INFORMATION BE SENT TO US THAT MAY
12 REQUIRE ANALYSIS BEYOND JUST USING A CHECKLIST BECAUSE
13 YOU MAY RECEIVE DETAILED FINANCIAL STATEMENTS. IT MAY BE
14 NECESSARY FOR A PERSON TO LOOK AT THOSE THAT HAS
15 FAMILIARITY IN REVIEWING THOSE TYPES OF STATEMENTS.

16 AND SO AT THIS TIME, WE'RE JUST DESCRIBING
17 THIS PROCESS TO YOU, BUT AT THE SAME TIME NGUYEN VAN HANH
18 AND THE FINANCIAL UNIT HAVE BEEN GIVEN SOME OF THESE
19 PARTICULAR CERTIFICATIONS TO TAKE A LOOK AT THEM AND TRY
20 TO GET A BETTER HANDLE ON HOW MUCH EVALUATION WOULD BE
21 REQUIRED OF EACH OF THESE SUBMITTALS BY THE STAFF AND THE
22 IMPACT THAT WOULD HAVE, IN TURN, ON THE NUMBER OF AGENDA
23 ITEMS THAT WOULD BE BROUGHT BEFORE YOU.

24 WE'RE IN THE PROCESS OF DOING THAT
25 EVALUATION; AND WHEN WE DO THAT, WE'RE GOING TO HAVE TO



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 DETERMINE EXACTLY HOW WE WANT TO HANDLE THOSE TRICKY
2 SUBMITTALS, WHETHER WE WANT TO DO THAT WITH THE FINANCIAL
3 UNIT OR WHETHER IT'S POSSIBLE TO AMEND, SAY, THE CONTRACT
4 WITH THE -- FOR FINANCIAL ASSISTANCE TO, NOT ONLY INVOLVE
5 THEM IN THE REGULATIONS PROCESS, BUT ALSO ON A MORE
6 CASE-BY-CASE REFERRAL SITUATION FOR THE FINANCIAL
7 MECHANISMS.

8 WHAT WE WOULD THINK ABOUT DOING WOULD BE TO
9 SCREENING THEM AS MUCH AS POSSIBLE, REVIEWING THEM IN THE
10 STAFF AND ONLY SUBMIT THE MORE COMPLICATED ONES FOR SOME
11 OTHER TYPE OF REVIEW.

12 THE THIRD POSSIBILITY WOULD BE CONCEIVABLY
13 BRINGING SOMEONE ON STAFF, SAY, WITH A BACKGROUND IN
14 ACCOUNTING THAT WAS AN AUDITOR OR SOMETHING ALONG THOSE
15 LINES THAT COULD DO THAT TYPE OF ACTIVITY, NOT ONLY NOW
16 FOR THESE INITIAL CERTIFICATIONS, BUT LATER ON WHEN THE
17 CLOSURE PLANS ARE SUBMITTED, THAT'S WHERE THE LAW CALLS
18 FOR THE BOARD TO APPROVE THE CLOSURE PLANS. AND ALONG
19 WITH THAT, IT DEFINITELY CALLS FOR THE BOARD APPROVING
20 THE FINANCIAL MECHANISMS. SO THAT MAY BE SOMETHING THAT
21 WE NEED TO CONSIDER ON THE LONG TERM AS WELL, NOT JUST IN
22 MEETING THESE INITIAL CERTIFICATION REQUIREMENTS.

23 IN ANY CASE, IT SEEMS THAT EITHER THE
24 CONSENT FORM FOR THE ONES THAT DO CLEARLY COMPLY WITH THE
25 GUIDELINES OR BRINGING CATEGORIES OF SUBMITTALS TO YOU

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 FOR YOUR CONSIDERATION MAY BE WARRANTED. AND WHAT WE
2 PLAN ON DOING IS MINIMIZING THE STAFF TIME INVOLVED IN
3 THAT AND PRESENTING THEM IN SUCH A FORMAT THAT WOULD
4 ALLOW FOR THE BOARD TO CONSIDER THEM IN AS EXPEDITIOUS A
5 MANNER AS POSSIBLE.

6 CHAIRMAN GALLAGHER: BILL, MAY I INTERRUPT AND
7 ASK COUNSEL A QUESTION. COMING OUT OF THE CORPORATE
8 WORLD, I KNOW THAT THERE'S GOING TO BE SOME GREAT
9 HESITANCY TO PROVIDE FINANCIAL INFORMATION THAT MIGHT BE
10 AVAILABLE TO COMPETITORS, AND PROPRIETY INFORMATION IS
11 AWFULLY, AWFULLY SACRED TO THE CORPORATE WORLD. IF THEY
12 COME IN WITH THAT KIND OF A REQUEST, HOW FAR CAN WE GO IN
13 MAINTAINING CONFIDENTIALITY ONCE IT'S IN THE PUBLIC
14 RECORD? DO WE HAVE ANY WAY OF DOING IT?

15 ATTORNEY CONHEIM: BILL HAS ALREADY ADDRESSED
16 THAT TO A CERTAIN EXTENT. WE'RE TRYING TO DEVISE A
17 REGULATION THAT WILL PROTECT THAT KIND OF MATERIAL UNDER
18 THE GENERAL RUBRIC OF TRADE SECRET. THAT IS A LIMITED
19 EXCLUSION. IT DOESN'T COVER EVERYTHING.

20 SO WE'RE GOING TO TRY AND MAKE IT AS BROAD
21 AS WE CAN TO ACCOMPLISH THE PURPOSES OF THE LAW. SO
22 BILL'S GROUP HAS BEEN WORKING ON VARIOUS DRAFTS OF A
23 REGULATION THAT WOULD COVER THAT SUBJECT. SO WE'RE GOING
24 TO TRY AND MEET IT. I DON'T KNOW WHETHER WE'LL MEET A
25 HUNDRED PERCENT OF THE NEED. BILL, DO YOU HAVE A SENSE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

Barristers'
reporting service

1 OF WHETHER WE ARE STILL GOING TO RUN AFOUL OF REQUESTS?

2 MR. ORR: WELL, THE CONCERN THAT I HAVE IS --
3 AND THIS IS A PROCEDURAL ONE FOR THE BOARD MEETINGS -- IS
4 HOW CAN WE CONSIDER, WITHIN THE CONTEXT OF A PUBLIC
5 MEETING, A MECHANISM WHERE THE THING THAT YOU'RE
6 DISCUSSING IS BEING CONSIDERED AS TRADE SECRET. AND I
7 DON'T KNOW IF IT'S APPROPRIATE TO GO INTO A CLOSED
8 SESSION FOR THAT. THAT WOULD BE -- I DON'T KNOW WHETHER
9 THAT -- WHERE THAT GOES PROCEDURALLY.

10 CHAIRMAN GALLAGHER: WELL, I GUESS IT WAS NOT
11 OUT OF LINE TO BRING IT UP AS A POTENTIAL PROBLEM ANYWAY.

12 ATTORNEY CONHEIM: UNDER THE OPEN MEETING LAW,
13 THERE ARE A NUMBER OF SPECIFIC SUBDIVISIONS RELATED TO
14 CERTAIN AGENCIES, DISCUSSION OF RESTRICTED INFORMATION IN
15 CLOSED SESSION, NOT JUST LITIGATION AND NOT JUST
16 PERSONNEL. WE, OF COURSE, ARE NOT MENTIONED IN THE
17 PUBLIC RECORDS ACT AT THIS POINT.

18 WE MAY DECIDE, AND WE'VE GOT TO ADDRESS IT
19 PRETTY SOON, THAT WE NEED TO EITHER PIGGYBACK ON
20 SOMETHING ANALOGOUSLY IN ORDER TO RUN OUR PROGRAM, OR WE
21 NEED TO GET A BILL IN TO HELP US OUT IN THAT REGARD.

22 I KNOW THAT THERE'S SOME EXCLUSIONS OR,
23 RATHER, DISPENSATIONS FOR DISCUSSION OF EDUCATIONAL
24 RECORDS AND TEST SCORES AND THINGS LIKE THAT. AND I'M
25 NOT SURE THAT THERE ISN'T ALSO SOMETHING FOR THE AIR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 BOARD, BUT I'LL HAVE TO TAKE A LOOK AT THAT. I HAVEN'T
2 LOOKED AT IT YET.

3 BOARD MEMBER BROWN: HAZARDOUS MATERIALS PEOPLE
4 HAVE GOTTEN AROUND THAT WITH DISCLOSURE OF WHEN
5 BUSINESSES HAD TO DISCLOSE WHAT THEY HAD ON SITE, FIRE
6 FIGHTING PURPOSES, ETC., A GREAT RHUBARB FOR THAT AT THAT
7 TIME, AS YOU MAY RECALL, HAVING TO DISCLOSE WHAT BASIC
8 RAW MATERIALS YOU HAD THAT MIGHT BE, IF KNOWN TO YOUR
9 COMPETITORS, WOULD PUT YOU AT A DISADVANTAGE. SOMEHOW OR
10 OTHER THAT GOT IRONED OUT AS I RECALL.

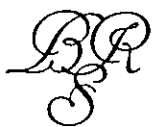
11 MR. ORR: IT'S JUST THE TIP OF THE ICEBERG; AND,
12 IN FACT, PART OF THE REASON I BROUGHT THOSE ITEMS TO YOUR
13 ATTENTION REGARDING THE CONFIDENTIALITY REQUESTS WE'VE
14 GOT IS THAT YOU CAN JUST SEE THAT, FOR EXAMPLE, WHERE THE
15 ACTUAL SELECTION OF THE MECHANISM WAS REQUESTED AS BEING
16 TRADE SECRET, IT MAKES IT HARD TO DELIBERATE ON THE
17 ACCEPTABILITY OF ANYTHING. SO THAT IS AN ISSUE THAT WE
18 ARE GRAPPLING WITH AT THIS TIME.

19 WHAT WE HAVE ATTEMPTED TO DO IN NOTIFYING
20 THE OPERATORS, FIRST OF ALL, IS THAT WE HAVE IN A
21 REMINDER LETTER INFORMED THEM TO MAKE THAT CLAIM UP
22 FRONT, AND IN PART THE CLAIMS THAT WE HAVE RECEIVED HAVE
23 REFLECTED THAT REQUEST. AND THEN THE REST OF THAT, WE'RE
24 TRYING TO WORK ON IN TERMS OF THE REGULATIONS, BUT THE
25 PART THAT IS DIFFICULT IS HOW TO DELIBERATE ON WHAT HAS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Harristers'
reporting service

1 BEEN CONTESTED TO BE TRADE SECRET.

2 ONCE THE REGULATION IS IN PLACE, ONE
3 OPPORTUNITY WOULD BE FOR THE BOARD TO MAKE A
4 DETERMINATION ON WHETHER OR NOT THE CONTENTION THAT IT
5 WAS CONFIDENTIAL INFORMATION WAS VALID. IF CERTAIN
6 INFORMATION WAS RULED UNDER THIS REGULATION NOT TO BE
7 VALID, THEN YOU COULD CONSIDER IT. BUT I DON'T KNOW
8 WHERE YOU WOULD GO IN THE OTHER INSTANCE.

9 CHAIRMAN GALLAGHER: WE'LL TAKE A RECESS UNTIL
10 25 MINUTES TO ONE; OR WOULD YOU, AT THIS POINT, PREFER TO
11 GO TO LUNCH, MR. EOWAN, AND COME BACK?

12 MR. EOWAN: WELL, WE DON'T HAVE THAT MUCH LEFT
13 ON THE AGENDA, SO I WOULD RECOMMEND -- AND BILL'S
14 ESSENTIALLY DONE WITH HIS PRESENTATION ANYWAY. I WOULD
15 SUGGEST, IF YOU NEED A BREAK, GO AHEAD AND DO THAT AND
16 COME BACK IN A FEW MINUTES AND FINISH IT UP.

17 CHAIRMAN GALLAGHER: ALL RIGHT. FINE. WE'LL
18 HAVE A BREAK. TWENTY-FIVE MINUTES TO ONE WE'LL
19 RECONVENE.

20 (A BREAK WAS TAKEN.)

21 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO
22 ORDER, PLEASE.

23 MR. EOWAN: MR. CHAIRMAN, JUST TO COMPLETE THAT
24 ITEM AND MOVE ON, I THINK BILL HAS OUTLINED VERY WELL FOR
25 YOU WHAT THE ESSENTIAL ISSUES ARE IN THIS VERY COMPLEX



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 MATTER. AND WE INTEND IN THE FEBRUARY MEETING, WHICH IS
2 ABOUT TWO AND A HALF WEEKS AWAY, I THINK, TO GIVE YOU A
3 PROPOSAL FOR HOW TO -- HOW WE INTEND TO STAFF THIS AND
4 BASICALLY CARRY OUT THE MANDATE FOR THIS PART OF 2448,
5 AND THAT WOULD COMPLETE THE DISCUSSION AS FAR AS STAFF IS
6 CONCERNED ON THIS ITEM.

7 CHAIRMAN GALLAGHER: ON ITEM 22.

8 BOARD MEMBER MOSCONE: MR. CHAIRMAN, HOW MANY
9 PEOPLE IS BILL WORKING WITH?

10 MR. EOWAN: IN HIS GROUP, I THINK WE HAVE ABOUT
11 SEVEN, I THINK -- OH, THERE'S FOUR AND A HALF. CAREN IS
12 A HALF-TIME.

13 CHAIRMAN GALLAGHER: YOU SHOULD HAVE COME RIGHT
14 BACK, BILL, AND SAID IT LOOKS LIKE SEVEN, BUT IT'S ONLY
15 FOUR AND A HALF OF US DOING IT.

16 MR. EOWAN: I'LL GIVE YOU A BETTER NUMBER. FOR
17 THE ENTIRE 2448 IMPLEMENTATION, \$20 MILLION PROGRAM, WE
18 HAVE 20 PEOPLE.

19 BOARD MEMBER BREMBERG: AND A HALF.

20 MR. EOWAN: NO. TOTAL OF 20 PEOPLE. THAT'S ALL
21 THE MONEY WE WERE ALLOCATED.

22 CHAIRMAN GALLAGHER: THANK YOU, BILL. THE
23 COMPLIMENT STILL GOES THAT I GAVE YOU THIS MORNING.
24 WE'LL CONSIDER 22 FINISHED FOR TODAY AND HAVE A REPORT
25 BACK NEXT MONTH.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

Barristers'
reporting service

1 WHILE WE'RE ON THE SUBJECT OF MEETINGS,
2 THERE WAS A REQUEST MADE YESTERDAY THAT THE MARCH MEETING
3 DATES BE CHANGED. AND SINCE THAT IS A MONTH IN WHICH WE
4 INTEND TO DO A FIELD TRIP TO THE STANISLAUS RESOURCE
5 RECOVERY PLANT, WE HAD SECRETARIES CHECK INTO THE
6 AVAILABILITY OF SPACE, ETC., AND IT APPEARS THAT WE
7 CANNOT MAKE THE SWITCH TO STANISLAUS COUNTY. THEY'RE
8 LONG ON THEIR PLANS, AND SO I HAVE NOTED THAT TO THE
9 PERSON WHO MADE THE REQUEST, AND WE WILL GO AHEAD WITH
10 THE ORIGINAL DATES AS THEY WERE ESTABLISHED.

11 WE HAVE ITEM 23, UPDATE AND CONSIDERATION
12 OF LEGISLATION. BECAUSE WE ARE IN A FAIRLY CRITICAL
13 STATE IN WORKING WITH THE AGENCY ON SOME OF THE THINGS
14 THAT WE HAVE ON OUR MINDS AS POSSIBLE PIECES OF
15 LEGISLATION, I'VE ASKED MS. JACKSON TO IGNORE THOSE ITEMS
16 BUT TO REVIEW, IF SHE WILL, ANY INFORMATION SHE WANTS TO
17 PRESENT TO US ON LEGISLATION THAT HAS ALREADY BEEN
18 INTRODUCED. AND SO I WOULD ASK HER TO PICK IT UP THERE.

19 MS. JACKSON: MR. CHAIRMAN, BOARD MEMBERS. TO
20 FOLLOW UP ON BILL ORR WITH CATALINA, ASSEMBLYMAN DENNIS
21 BROWN HAS INTRODUCED A BILL THAT WOULD EXEMPT CATALINA
22 FROM AIR QUALITY TESTS AND WASTE DISPOSAL. IT'S AB 204.

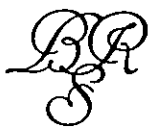
23 CHAIRMAN GALLAGHER: DOES IT INCLUDE LANDFILLS?

24 MS. JACKSON: SENATE RESOLUTION NO. 12, WE JUST
25 RECEIVED A COPY OF IT TODAY AS INTRODUCED BY SENATOR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997



barristers'
reporting service

1 VILLAGE. IT'S A SENATE TASK FORCE ON WASTE MANAGEMENT
2 BILL, AND IT JUST LOOKS TO ME LIKE THEY JUST WANT TO
3 EXTEND THEIR PROGRAM BY SIX MONTHS.

4 CHAIRMAN GALLAGHER: IS THAT A SPOT BILL THEY
5 COULD USE FOR SOME LEGISLATIVE PROPOSAL LATER?

6 MS. JACKSON: I DON'T THINK SO.

7 AND TO GO BACK TO THE THREE BILLS YOU
8 RECEIVED LAST MONTH, ASSEMBLY BILL 4 BY DELAINE EASTIN IS
9 THE SAME AS LAST YEAR'S PROCUREMENT BILL.

10 ASSEMBLY BILL 80 BY KILLEA IS THE SAME AS
11 AB 3298, HER BILL FROM LAST YEAR ON RECYCLING.

12 AND THE BILL WE DISCUSSED LAST MONTH,
13 SENATE BILL 12 BY SENATOR ROBBINS, WITH THE HALF MILE --
14 ISSUING A LOCAL BUILDING PERMIT WITHIN A HALF MILE OF A
15 LANDFILL.

16 FRIDAY, FEBRUARY THE 3D, IS THE LAST DAY TO
17 TAKE BILLS TO LEGISLATIVE COUNCIL. SO VERY SOON AFTER
18 THAT THEY WILL ALL BE INTRODUCED, AND BY NEXT MONTH WE
19 SHOULD HAVE A WHOLE PACKET.

20 THAT CONCLUDES MY PRESENTATION. THANK YOU,
21 MR. CHAIRMAN,

22 CHAIRMAN GALLAGHER: THANK YOU, MS. JACKSON.
23 ANY QUESTIONS?

24 THERE WILL BE A MEETING ON MONDAY AT WHICH
25 MR. EOWAN AND I WILL MEET WITH AGENCY PEOPLE AND PEOPLE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 IN THE GOVERNOR'S OFFICE TO DECIDE A COURSE OF ACTION ON
2 SOME OF THE BILLS THAT WE HOPE THAT WILL RESULT IN SOME
3 HELP TO US, AND WE'LL CERTAINLY KEEP YOU ALL POSTED AS TO
4 WHERE THOSE GO.

5 NEXT ITEM, UPDATE ON SIGNIFICANT STAFF
6 ACTIVITIES. MR. EOWAN.

7 MR. EOWAN: BOTH MR. IWAHIRO AND MR. OLDALL HAVE
8 SOME ITEMS THAT THEY WANT TO PRESENT ON THIS.

9 MR. IWAHIRO: YES. JUST A COUPLE OF BRIEF ITEMS
10 REALLY. THIS IS OUR REGULAR REPORT ON THE INVESTIGATIONS
11 AT LANDFILLS UNDER THE PRESLEY INSPECTIONS. WE DID 11
12 INVESTIGATIONS SINCE OUR LAST BOARD MEETING.

13 WE'VE ALSO GOTTEN COMPLIANCE AGREEMENTS,
14 WHICH WE TRY TO DO WHEN WE FIND A PROBLEM, WE GET AN
15 AGREEMENT WITH THOSE FOLKS TO FIX IT UP, AND WE DID SIX
16 OF THOSE.

17 WE ALSO SIGNED OFF ON A MORE OR LESS
18 MINISTERIAL CHANGE IN A PERMIT. YOU HAVE GIVEN THE
19 EXECUTIVE OFFICER THE AUTHORITY TO SIGN OFF ON THOSE.
20 AND THERE WAS ONE CALLED THE SANTA FE ENERGY LANDFILL IN
21 SAN LUIS OBISPO COUNTY WHERE WE PUT IN THE WORDS ON THE
22 PERMITTED CAPACITY ACCORDING TO WHAT, I THINK, MR.
23 BEAUTROW HAS ALWAYS BEEN TALKING ABOUT IN TERMS OF DAILY
24 OPERATING CAPACITY. AND SO WE DID THAT AND SO THERE WAS
25 REALLY NO CHANGE IN IT.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

Barristers'
reporting service

1. THE OTHER THING I WANTED TO REPORT ON
2 THAT -- ON THE SIGNIFICANT STAFF ACTIVITIES IS THAT THE
3 REQUEST FOR A BID ON THE LANDFILL COST STUDY IS NOW ON
4 THE STREETS. IT SHOULD BE -- THE BIDS SHOULD BE IN IN
5 FEBRUARY, MID-FEBRUARY. I THINK IT'S FEBRUARY 17TH. SO
6 WE'LL BE BRINGING THAT TO THE BOARD PROBABLY IN MARCH
7 WITH A RECOMMENDATION. PROBABLY WHAT WE WOULD NEED IS A
8 COMMITTEE, POSSIBLY ONE BOARD MEMBER PLUS STAFF, TO
9 EVALUATE THOSE SUBMITTALS.

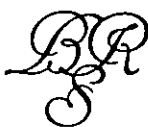
10 MR. OLDALL: I'D JUST LIKE TO REPORT THAT ON
11 JANUARY 10TH IN SANTA ANA THE 2448 ADVISORY COMMITTEE HAD
12 ITS LAST MEETING, AND AT THAT MEETING WAS PRETTY MUCH
13 GENERAL CONSENSUS ON THE THREE ITEMS THAT ARE UNDER THE
14 PURVIEW OF THE COMMITTEE; THAT IS, THE GUIDELINES FOR THE
15 COORDINATION AMONGST THE STATE AGENCIES, THE CRITERIA FOR
16 THE LOAN GUARANTEE PROGRAMS, AND THE SELECTION CRITERA
17 FOR THE HOUSEHOLD HAZARDOUS WASTE GRANT PROGRAMS. AND WE
18 EXPECT TO BE SUBMITTING ALL THREE OF THOSE TO THE BOARD,
19 I THINK, AT THE NEXT BOARD MEETING WITH THE
20 RECOMMENDATIONS FROM THAT ADVISORY COMMITTEE.

21 STEVEN AULT IS PREPARING A PAPER ON VECTOR
22 SURVEILLANCE AND CONTROL AT LANDFILLS FOR AN UPCOMING EPA
23 CONFERENCE BEING HELD ON MUNICIPAL SOLID WASTE TECHNOLOGY
24 IN SAN DIEGO. AND THAT, I THINK, WAS RIGHT AT THE END OF
25 THIS MONTH, JANUARY 29TH, FEBRUARY 1ST IN SAN DIEGO.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 AND JUST, ROUGHLY, WE STILL CONTINUE TO
2 RECEIVE BETWEEN 1200 AND 1500 INQUIRIES ON THE HOTLINE.
3 WE'RE STARTING TO SEE A LITTLE DROP IN THE AREA ABOUT OIL
4 RECYCLING, AND WE'RE STARTING TO PICK UP SOME HOUSEHOLD
5 HAZARDOUS WASTE CALLS IN THAT AREA NOW. THAT CONCLUDES.

6 CHAIRMAN GALLAGHER: ON THE OIL RECYCLING THING,
7 ARE WE CONTINUING TO GET DIMINISHING NUMBERS ON THAT?

8 MR. OLDALL: YES, WE ARE. IN TERMS -- WE HAVE
9 MORE SITES NOW IN OUR DATA BASE THAT ACTUALLY ARE
10 ACCEPTING THAT, BUT WHAT I MEANT WAS THAT GRADUALLY THE
11 PORTION OF CALLS THAT WE RECEIVE -- AND IT'S USUALLY BEEN
12 UP AROUND 60, 65 PERCENT -- IS DROPPING DOWN, DOWN INTO
13 ABOUT THE 50 PERCENT AREA OF THE CALLS THAT WE RECEIVE
14 EVERY MONTH BEING RELATED TO USED OIL.

15 CHAIRMAN GALLAGHER: IT SEEMS TO ME THAT THERE
16 IS A POTENTIAL FOR SOME ENTERPRISING LEGISLATOR TO PICK
17 UP AND REQUIRE THAT CALTRANS AND STATE CARS USE RECLAIMED
18 MOTOR OIL TO THE EXTENT THAT THEY CAN. YOU KNOW, THAT'S
19 AN -- THE ONLY WAY YOU ARE GOING TO STIMULATE THAT
20 MARKET.

21 MR. OLDALL: I THINK IN THE LAST USED OIL REPORT
22 CONCERNING MARKETS, WE DID KIND OF POINT OUT THAT ISSUE.
23 WE HAVEN'T PUSHED IT OURSELVES WITH ANY LEGISLATORS.

24 CHAIRMAN GALLAGHER: THAT'S A POTENTIAL FOR A
25 PIECE OF LEGISLATION FOR SOMEONE. WOULD HELP



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

barristers'
reporting service

1 SIGNIFICANTLY WITH RECYCLING.

2 BOARD MEMBER ARAKALIAN: ISN'T IT TERRIBLE,
3 THOUGH, THAT YOU HAVE TO PASS LEGISLATION AND MAKE IT
4 MANDATORY THAT A STATE AGENCY -- WHEN THE STATE TELLS YOU
5 RECYCLE TO MEET ALL THE QUALIFICATIONS NECESSARY TO BE
6 SAFE AND GOOD TO RUN, WILL NOT BUY ON THEIR OWN RECYCLED
7 OIL AND SAVE MONEY TO BOOT. THE IRONY OF IT IS WHAT A
8 TERRIBLE STATE WHEN YOU HAVE TO TAKE A STATE PERSON AND
9 MAKE A LAW FOR HIM TO DO THE RIGHT THING FOR THE STATE.
10 IT'S THE MOST CHICKEN SHIT THING I CAN BELIEVE.

11 BOARD MEMBER BREMBERG: WELL, IN THE DEPARTMENT
12 OF CONSERVATION WHERE THEY WERE SO HOT TO TROT ON
13 CONTROLLING ALL RECYCLING SENDS OUT 11-PAGE REPORTS ON
14 VIRGIN PAPER. SOMEHOW THAT SEEMS A LITTLE HYPOCRITICAL
15 TO ME, JUST A TAD.

16 MR. OLDALL: MAYBE THERE'S TOO MANY VIRGINS AT
17 THE DEPARTMENT OF CONSERVATION.

18 BOARD MEMBER ARAKALIAN: I HOPE THAT OUR BOARD
19 USES RECYCLED PAPER.

20 BOARD MEMBER BREMBERG: NOT REALLY.

21 CHAIRMAN GALLAGHER: OH, WE USE SOME.

22 MR. OLDALL: 250 REEMS OF RECYCLED PAPER.

23 BOARD MEMBER ARAKALIAN: HOW MUCH DO WE PURCHASE
24 THAT ISN'T?

25 MR. OLDALL: UNFORTUNATELY, WE HAVE TO GO



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 THROUGH THE DEPARTMENT OF GENERAL SERVICES. IT'S A
2 SPECIAL EXCEPTION THAT ALLOWS US TO PURCHASE THAT, AND
3 WE'VE JUST BEEN BUGGING THEM LIKE HELL, BUT NOW WE HAVE
4 SECURED A LARGE SUPPLY OF RECYCLED PAPER.

5 BOARD MEMBER BREMBERG: OUR FOLDER ON RECYCLING
6 THAT WE HAD DOWN AT THE LEAGUE CONFERENCE WAS ON RECYCLED
7 PAPER, BUT YOU CAN BUY RECYCLED COPY PAPER FOR XEROX
8 MACHINES.

9 MR. OLDALL: THAT'S WHAT WE JUST PURCHASED.

10 MR. EOWAN: THE WAY THE STATE PROCUREMENT
11 PROCESS WORKS IS THAT WE DON'T HAVE SOMEONE THAT GOES OUT
12 AND SHOPS AROUND FOR THE BEST DEAL. YOU HAVE TO GO
13 THROUGH A --

14 BOARD MEMBER ARAKALIAN: GENERAL SERVICES
15 DOESN'T MAKE IT AVAILABLE TO US?

16 MR. EOWAN: WE HAVE TO GET A SPECIAL -- AS ALAN
17 SAID, YOU HAVE TO GET A SPECIAL DISPENSATION FROM THEM IN
18 ORDER TO PURCHASE THIS.

19 BOARD MEMBER ARAKALIAN: I WOULD SAY LET'S DO
20 THAT.

21 MR. EOWAN: WE HEAR THE DIRECTION, WE'LL DO IT.
22 GOOD IDEA.

23 CHAIRMAN GALLAGHER: I'M SORRY FOR THE
24 INTERRUPTION, BUT IT OCCURRED TO ME THAT THAT'S ONE THAT
25 WOULD BE SO SIMPLE, YOU KNOW. ANYTHING ELSE?



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 MR. EOWAN: EXCUSE ME. MS. JACKSON.

2 MS. JACKSON: JUST TO BRING ALL OF YOU
3 UP-TO-DATE, MR. GALLAGHER AND I HAD FOUR MEETINGS AT THE
4 LEGISLATURE WITHIN THE LAST COUPLE OF WEEKS WITH SENATOR
5 BOATWRIGHT, SENATOR BERGESON, ASSEMBLYWOMAN LAFOLLETTE
6 AND EASTIN.

7 CHRIS HAS A FEW WORDS HE WANTS TO SAY.

8 MR. PECK: FIRST OF ALL, MS. BREMBERG AND MR.
9 ARAKALIAN, WE'RE DOING EVERYTHING POSSIBLE WHENEVER WE
10 PRINT PUBLICATIONS, FACT SHEETS, OR ANYTHING TO PRINT
11 THAT ON RECYCLED PAPER.

12 THREE THINGS THAT WE HAVE JUST PRINTED,
13 ACTUALLY THERE IS AN INSERT THAT'S BEING SENT OUT BY THE
14 DEPARTMENT OF MOTOR VEHICLES WITH REGISTRATION RENEWAL
15 NOTICES TO ALL TRUCK OWNERS IN CALIFORNIA THAT SAYS
16 "PLEASE KEEP YOUR LOAD COVERED." WE PRINTED -- ACTUALLY
17 WE PRINTING 4.2 MILLION PIECES WHICH WILL BE SENT OUT
18 STARTING NEXT WEEK WITH THOSE RENEWAL NOTICES.

19 WE ALSO HAVE A COUPLE OF -- ACTUALLY FIVE
20 NEW FACT SHEETS, THREE HAVING TO DO WITH RECYCLING AND
21 TWO ON LANDFILL SITING, SORT OF GOING THROUGH THE WHOLE
22 PROCESS OF THIS IS HOW YOU HAVE TO DO IT TO BE
23 SUCCESSFUL, INVOLVING THE PUBLIC. THOSE ARE NOW
24 AVAILABLE AS PART OF THE CALIFORNIA CLEANIN' FACT SHEET
25 KIT AND WERE SENT OUT WITH THE RECYCLING PSA WHEN WE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

1 DISTRIBUTED THAT.

2 WE'VE BEEN REAL BUSY IN TERMS OF FOLLOWING
3 UP IN THE BOARD'S DIRECTION OF THE NOVEMBER MEETING WITH
4 THE RECYCLING AWARDS. OVER THE PAST MONTH OR SO, THREE
5 OF THE BOARD MEMBERS, CHAIRMAN GALLAGHER, MR. VARNER, AND
6 MR. CALLOWAY ALSO PARTICIPATED IN MAKING SPECIAL
7 PRESENTATIONS OF THESE AWARDS TO CITY COUNCILS AND BOARDS
8 OF SUPERVISORS. WE SENT OUT MEDIA ADVISORIES AND PRESS
9 RELEASES FOLLOWING THESE ACTIVITIES.

10 YESTERDAY, MR. CALLOWAY MADE THE
11 PRESENTATION TO DIRECTOR OF TRANSPORTATION, BOB BEST, AT
12 THE CALIFORNIA TRANSPORTATION COMMISSION MEETING, THE
13 CALTRANS AWARD. AND YESTERDAY, JUST ABOUT THE TIME WE
14 WERE ALL WALKING OUT THE BUILDING, I GOT A PHONE CALL
15 FROM THE SACRAMENTO PUBLIC RADIO, AND I DID AN INTERVIEW
16 WITH THEM TALKING ABOUT THE WHOLE RECYCLING AWARDS
17 PROGRAM.

18 BOARD MEMBER BREMBERG: I LOVED READING THE NEWS
19 CLIPS FROM ARCATA. IT MADE IT SOUND AS THOUGH THE ONLY
20 CITY IN THE ENTIRE STATE THAT HAD EVER DONE ANYTHING
21 PROPER FOR RECYCLING, I MEAN, PAGES AND PAGES. THEY WERE
22 REALLY PROUD OF THEMSELVES.

23 MR. PECK: THEY DID A LOT OF THEIR OWN MEDIA
24 WORK ON THAT ONE. ALSO, WE MAILED A PRESS RELEASE
25 DESCRIBING ALL THE AWARDS TO A NUMBER OF TRADE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Harristers
reporting service

1 PUBLICATIONS, AND I THINK THE BOARD MEMBERS GET COPIES OF
2 REFUSE NEWS. THEY PICK THAT UP AND THEY EVEN PUT IN A
3 LITTLE BYLINE THAT SAID "SEE, THE BOARD REALLY DOES
4 SUPPORT RECYCLING," SO WE ALL CHUCKLED ABOUT THAT.

5 THE ONLY THING -- OH, I'M SORRY -- MR.
6 GALLAGHER AND I MET ON MONDAY WITH THE EDITORIAL BOARD OF
7 THE LOS ANGELES TIMES. I THINK IT WAS VERY PRODUCTIVE
8 SESSION. I EXPECT TO HAVE A LOT OF COOPERATION FROM THEM
9 AS THE BOARD BEGINS THE PROCESS OF LOOKING AT THE LOS
10 ANGELES COUNTY PLAN REVIEW REPORT, WHICH IS DUE IN IN
11 MARCH AND OVER THE NEXT 270 DAYS THEREAFTER, WHEN THEY'RE
12 DOING THEIR PLAN REVISION. THEY SEEM TO BE QUITE
13 RECEPTIVE AND VERY UNDERSTANDING OF THE ISSUE AND SOME OF
14 THE PROBLEMS THAT ARE FACED DOWN THERE.

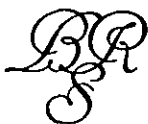
15 THEY'VE ALSO SENT A LETTER OUT TO MAJOR
16 DAILY NEWSPAPERS AROUND CALIFORNIA OFFERING TO SIT DOWN
17 AND TALK WITH THEM AS WELL. SO I THINK THE TIMING IS
18 REALLY RIGHT FOR OUR INTRODUCTION OF THE INTEGRATED WASTE
19 MANAGEMENT ISSUE TO THE LOCAL MEDIA, AND I THINK IT WILL
20 TIE TOGETHER VERY WELL WITH THE REST OF THE CALIFORNIA
21 CLEANIN' PROGRAM.

22 BOARD MEMBER BREMBERG: HAVE YOU WRITTEN TO THE
23 DAILY NEWS? JUST AS A MATTER OF PERSONAL INTEREST, THEIR
24 CIRCULATION IN THE GLENDALE, PASADENA, BURBANK, VALLEY
25 AREA IS HIGHER THAN THE TIMES OFTEN.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



barristers'
reporting service

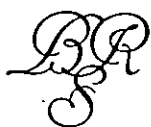
1 MR. PECK: MRS. BREMBERG, IF YOU THINK THAT
2 WOULD BE A GOOD IDEA, I WOULD BE HAPPY TO MAKE SURE WE
3 MAKE CONTACT AND WILL FOLLOW UP ON THAT.

4 ALSO, BECAUSE MR. BROWN ASKED YESTERDAY
5 ABOUT THE PROGRESS ON THE RAY MCNALLEY & ASSOCIATES,
6 CONTRACT, WE DID, RIGHT AROUND THE FIRST OF THE YEAR, GET
7 APPROVAL FROM THE DEPARTMENT OF GENERAL SERVICES ON THE
8 NEW CONTRACT AND POSTHASTE SAT DOWN WITH ALL OF OUR
9 MANAGERS AS A GROUP AND SOME ONE-ON-ONE TO SORT OF
10 BRAINSTORM ABOUT THE KINDS OF THINGS THAT WERE GOING ON
11 THAT THEY EXPECTED TO BE DOING IN THEIR PROGRAMS THIS
12 YEAR THAT WE COULD PROVIDE SOME ASSISTANCE WITH THAT HAD
13 MEDIA INTEREST AND PUT TOGETHER SORT OF A BRAINSTORM
14 LIST.

15 WE'RE SCHEDULED NEXT WEEK TO SIT DOWN WITH
16 THE EXECUTIVE STAFF AND GO OVER THAT. AND SHORTLY
17 THEREAFTER WE'LL TRY AND COMINGLE THOSE ACTIVITIES WITH
18 WHAT'S PLANNED IN THE CONTRACT AS PROPOSED TO MAKE SURE
19 THAT WE HAVE THE BUDGET AND THE RESOURCES ALLOCATED TO DO
20 ALL THOSE THINGS AND COME BACK TO YOU WITH, I HOPE, WILL
21 BE AN ANNUAL PLAN FOR THE PUBLIC AWARENESS PROGRAM.
22 THANK YOU.

23 CHAIRMAN GALLAGHER: THANK YOU. I'D LIKE TO
24 PIGGYBACK A LITTLE BIT ON CHRIS' COMMENTS.

25 FIRST OF ALL, I THINK IT'S THE FIRST



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

barristers'
reporting service

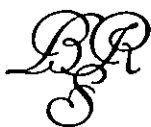
1 OPPORTUNITY WE'VE HAD TO USE OUR PROFESSIONAL CONTRACT PR
2 PEOPLE CONSTRUCTIVELY. BEFORE CHRIS AND I CALLED ON THE
3 L.A. TIMES, THE RAY MCNALLEY GROUP BRIEFED US ON BEST
4 FORM, KIND OF THING WE SHOULD DO, THE WAY WE SHOULD
5 CONDUCT OURSELVES, GAVE US FIVE- OR TEN-MINUTE STAND-UP
6 CONFERENCE ON HOW YOU KEEP YOUR KNEES FROM KNOCKING WHEN
7 YOU ARE SITTING BEFORE ALL THESE HIGH-POWERED STAFF
8 WRITERS, AND THEY RESPONDED, I THOUGHT, VERY WELL.

9 WITH REGARDS TO THE COMMENT THAT YOU MADE,
10 MS. BREMBERG, ABOUT DAILY NEWS AND OTHER PAPERS,
11 OBVIOUSLY, WE WOULD -- WE'D LIKE TO CALL ON ALL OF THEM.
12 I GUESS OUR RATIONALE WAS THAT IF YOU GET THE TIMES, WITH
13 THEIR HAVING AN ORANGE COUNTY EDITION, THE SAN DIEGO
14 EDITION, AND AN L.A. COUNTY EDITION, YOU ARE COVERING
15 ABOUT TWO-THIRDS OF THE POPULATION OF THIS STATE FROM ONE
16 EDITORIAL BOARD.

17 AND I GUESS AT THE MOMENT WHAT WE WERE
18 CONSIDERING WAS GETTING AN EDITORIAL OR MORE THAT WOULD
19 HIT AS MANY PEOPLE AS WE CAN. THE VOLUME, THE READERSHIP
20 I WON'T COMMENT ON BECAUSE I REALLY DON'T KNOW WHAT THEIR
21 READERSHIP IS, BUT THEIR CIRCULATION IS TREMENDOUS.

22 BOARD MEMBER BREMBERG: WELL, THE DAILY NEWS IS
23 TWO MILLION AND THAT'S PRETTY GOOD COVERAGE. AND THEY'VE
24 HAD SEVERAL -- AND I BROUGHT THEM TO YOU -- SEVERAL
25 EDITORIALS ON TRASH, AND THEY ARE VERY, VERY, VERY ACTIVE

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

barristers'
reporting service

1 IN THE ELSMERE, SUNSHINE, CALABASAS, THE REAL PROBLEMS
2 THAT ARE GOING TO BE FACING US WITH THE L.A. COUNTY
3 THING. AND THEY WRITE EDITORIALS CONSTANTLY, AND THEY
4 ARE THE ONES WHO EXPOSED THE LOPEZ -- THE PLANNER THAT
5 ALLOWED 138 HOUSES WITHIN 40 FEET OF LOPEZ CANYON. THE
6 TIMES DIDN'T EVEN COVER IT.

7 SO I THINK IT MIGHT -- THEY'RE VERY
8 INTERESTED IN TRASH PROBLEMS. THEY'RE VERY -- THEY SENT
9 A REPORTER TO FOLLOW OUR RECYCLING TRUCK. AND THE DAY WE
10 GOT 14 TONS, WHICH WAS THE TOP DAY, THEY HAVE A GLENDALE
11 SECTION AND THAT WAS THE TOP STORY. AND -- BUT, I MEAN,
12 THEY COVER ALL THE WAY TO OXNARD AS FAR AS THEIR
13 COVERAGE. THEY HAVE A VERY BROAD COVERAGE. THEY'RE
14 OWNED BY THE CHICAGO TRIBUNE, AND THEY GIVE AWAY THEIR
15 PAPER. IN ESSENCE, YOU GET 28 WEEKS FOR \$14. AND THEY
16 HAVE JUST UPPED THEIR CIRCULATION SOMETHING FIERCE.

17 CHAIRMAN GALLAGHER: I DON'T THINK THERE'S ANY
18 QUESTION THAT WE GET DUPLICATION OF READERSHIP. YOU
19 KNOW, THERE'S SOME PEOPLE -- I TAKE TWO PAPERS, THE
20 REGISTER AND THE TIMES. SO I'M GETTING IT FROM BOTH
21 ENDS, AND I'M SURE THAT'S TRUE WITH THE DAILY NEWS. BUT
22 THEY ARE -- JUST HAVE TO TAKE AS MANY AS YOU CAN GET, AND
23 WE'LL CONTINUE TO WORK ON IT AND, HOPEFULLY, WE'LL HAVE
24 SOME MORE INTERVIEWS. MAYBE ONE OF THEM WILL BE THE
25 DAILY NEWS, BUT I THOUGHT THE FIRST ONE, CHRIS DID A GOOD

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

BCD

barristers'
reporting service

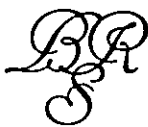
1 JOB.

2 MR. PECK: MR. GALLAGHER, ABSOLUTELY THERE IS NO
3 QUESTION THAT WE WILL DO SOME MORE, AND I JUST WANTED TO
4 ADD ONE NOTE OF THANKS TO THE PLANNING STAFF. THEY WERE
5 PARTICULARLY HELPFUL IN THE WEEK OR SO BEFORE WE DID THE
6 INTERVIEW, MOST OF WHICH I WAS OUT OF THE TOWN. JOHN
7 SMITH AND HIS FOLKS SAT DOWN AND CULLED THROUGH THE
8 COUNTY PLANS AND THE BACKS OF THEIR MINDS AND WROTE OUT
9 SOME TWO-, THREE-PAGE FACT SHEETS ABOUT WHAT WAS GOING
10 ON, THE KEY ISSUES IN THE COUNTIES IN DISPOSAL CAPACITY
11 AND STUFF. AND WE'VE ACTUALLY GOT ORANGE COUNTY,
12 VENTURA, SAN BERNARDINO, AND RIVERSIDE ALREADY DONE, SO
13 WE DIDN'T US THOSE IN THE LOS ANGELES ONE, BUT --

14 CHAIRMAN GALLAGHER: YOU KNOW, YOU PUT YOUR
15 FINGER ON A VERY, VERY CUTE LITTLE POINT. AS WE WERE
16 GOING THROUGH THOSE, I THOUGHT THAT THOSE RESEARCH PAPERS
17 OUGHT TO BE CIRCULATED TO EVERY MEMBER OF THE BOARD
18 BECAUSE THAT IS EXCELLENT REFERENCE MATERIAL. I MEAN,
19 ANY MEMBER OF THIS BOARD MIGHT BE HIT FOR AN ON-THE-SPOT
20 INTERVIEW. AND I THOUGHT THOSE WERE ABOUT AS CONCISE AND
21 WELL PUT TOGETHER AS ANYTHING. AND IT SLIPPED MY MIND,
22 BUT I THINK THAT WOULD HAVE -- REALLY BE A NICE DOCUMENT.

23 MR. PECK: AS WE DEVELOP THOSE, WE'LL MAKE A
24 NOTE TO GIVE TO ALL THE BOARD MEMBERS.

25 CHAIRMAN GALLAGHER: ANYTHING FURTHER ON



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

barristers'
reporting service

1 SIGNIFICANT STAFF ACTIVITIES?

2 I'M SURPRISED YOU DIDN'T MENTION OUR
3 TREMENDOUS INTEREST IN COMPOST AND THE FACT THAT WE HAD A
4 LITTLE MEETING TO KIND OF PUT THAT IN PERSPECTIVE AND
5 START THE BALL ROLLING IN DETERMINING VARIOUS KINDS OF
6 COMPOSTING THAT MIGHT TAKE PLACE AROUND THE COUNTRY. AND
7 I GOT A HELL OF AN EDUCATION ON HOW THEY DO COMPOSTING IN
8 ENGLAND. I WON'T REFER TO IT HERE. BUT I EVEN FOUND OUT
9 HE DOES WINDOWS IF HIS WIFE LEANS ON HIS SHOULDERS
10 ENOUGH.

11 BOARD MEMBER BREMBERG: IF THEY'LL DO WINDOWS,
12 THEY'LL DO ANYTHING.

13 CHAIRMAN GALLAGHER: REVIEW FUTURE AGENDA ITEMS,
14 ITEM 25.

15 MR. OLDALL: USUALLY ON THIS, MR. CHAIRMAN, IF
16 ANY OF THE BOARD MEMBERS HAVE ANY RECOMMENDED CHANGES,
17 WE'LL BE GETTING, YOU KNOW, THE AGENDA OUT AS SOON AS
18 POSSIBLE, PROBABLY NEXT WEEK.

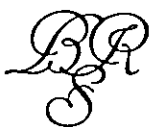
19 THAT'S ON THE PUBLIC RECORD, AND IT IS HIS
20 BIRTHDAY.

21 MR. EOWAN: INSIDE JOKE.

22 CHAIRMAN GALLAGHER: IS IT GOING TO BE A
23 GUESSING GAME, AGAIN?

24 ANYTHING ELSE, GEORGE?

25 MR. EOWAN: NO, THAT WILL DO IT.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997

barristers'
reporting service

1 CHAIRMAN GALLAGHER: WE'RE DOWN TO OPEN
2 DISCUSSION. ANYBODY HAVE ANYTHING THEY WANT TO BRING
3 BEFORE THE BOARD? IF NOT, WE'LL MAKE IT POSSIBLE FOR SAM
4 TO CATCH HIS AIRPLANE, AND WE'LL CALL THE MEETING
5 ADJOURNED AND SEE YOU ALL IN FEBRUARY.

6
7 (END OF PROCEEDINGS.)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

barristers'
reporting service

REPORTER'S CERTIFICATE

I, Beth C. Drain HEREBY CERTIFY THAT ON
THE 27th DAY OF January, 1989, I DID REPORT
IN SHORTHAND THE TESTIMONY AND PROCEEDINGS OF THE
FOREGOING HEARING.

THAT AT THE CONCLUSION OF THE ABOVE ENTITLED
MATTER, I DID TRANSCRIBE MY SHORTHAND NOTES INTO
TYPEWRITING, AND THAT THE FOREGOING TRANSCRIPT IS A TRUE
AND CORRECT COPY OF MY SHORTHAND NOTES THEREOF.

Beth C. Drain

CERTIFIED SHORTHAND REPORTER

CERTIFICATE NUMBER 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
TELEPHONE (714) 953-4447

Barristers'
reporting service